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Effectiveness of Law 70 in the Recognition of Rights and the Construction of Afro-Colombian Citizenship

Efectividad de la ley 70 en el reconocimiento de derechos y la construcción de ciudadanía afrocolombiana

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Abstract

This article analyzes the impact that the enactment of Law 70 of 1993 has had on the recognition of black or Afro-Colombian communities, on the strengthening of their participation in Colombian society and on the construction of new citizenships. For this purpose, we will first describe the historical background of Law 70; then we will analyze the impact it has had on Afro-Colombian identity and citizenship, and finally, we will identify the challenges and obstacles that Afro-Colombian communities still face, together with recommendations to strengthen the effectiveness of Law 70. Such a journey will allow to evidence that the effectiveness and impact of Law 70 in the construction of new Afro-Colombian citizenship and their participation in Colombian society is a subject of constant evaluation and evolution.

Key words: Afro-Colombian communities, citizenship, cultural diversity.

Resumen

En el presente artículo se hace un análisis de la incidencia que ha tenido la expedición de la Ley 70 de 1993 en el reconocimiento de las comunidades negras o afrocolombianas, en el fortalecimiento de su participación en la sociedad colombiana y en la construcción de nuevas ciudadanía. Para este propósito, se describirán, en primer lugar, los antecedentes históricos de la Ley 70; luego se analizará el impacto que esta ha generado en la identidad y la ciudadanía afrocolombiana, por último, se identificarán los desafíos y obstáculos que aún enfrentan las comunidades afrocolombianas, conjunto a las recomendaciones para fortalecer la efectividad de la Ley 70. Dicho recorrido permitirá evidenciar que la efectividad e impacto de la Ley 70 en la construcción de nuevas ciudadanía afrocolombianas y su participación en la sociedad colombiana es un tema de evaluación y evolución constante.

Palabras claves: Comunidades afrocolombianas, ciudadanía, diversidad cultural.

Resumo

Este artigo analisa a incidência da promulgação da Lei 70 de 1993 no reconhecimento das comunidades negras ou afrocolombianas, no fortalecimento de sua participação na sociedade colombiana e na construção de novas cidadanias. Para esse propósito, serão descritos, em primeiro lugar, os antecedentes históricos da Lei 70; depois, será analisado o impacto que esta lei gerou na identidade e cidadania afrocolombiana; por fim, serão identificados os desafios e obstáculos que as comunidades afrocolombianas ainda enfrentam, juntamente com recomendações para fortalecer a efetividade da Lei 70. Esse percurso permitirá evidenciar que a efetividade e o impacto da Lei 70 na construção de novas cidadanias afrocolombianas e sua participação na sociedade colombiana é um tema de avaliação e evolução constante.



Palavras-chave: Comunidades afrocolombianas, cidadania, diversidade cultural.

Résumé

Cet article analyse l'impact de la promulgation de la Loi 70 de 1993 sur la reconnaissance des communautés noires ou afro-colombiennes, sur le renforcement de leur participation à la société colombienne et sur la construction de nouvelles citoyennetés. À cette fin, les antécédents historiques de la Loi 70 seront d'abord décrits ; ensuite, l'impact de cette loi sur l'identité et la citoyenneté afro-colombiennes sera analysé ; enfin, les défis et obstacles auxquels les communautés afro-colombiennes sont encore confrontées seront identifiés, ainsi que des recommandations pour renforcer l'efficacité de la Loi 70. Ce parcours permettra de mettre en évidence que l'efficacité et l'impact de la Loi 70 sur la construction de nouvelles citoyennetés afro-colombiennes et leur participation à la société colombienne sont un sujet d'évaluation et d'évolution constante.

Mots-clés: Communautés afro-colombiennes, citoyenneté, diversité culturelle.

SUMMARY: Introduction. – Research Problem. – Methodology. – Research Problem Solution Framework – Writing Plan. –1. Historical Background of Law 70. – 2. Implementation and Analysis of Key Elements of Law 70. – a. Collective Land Ownership and the Recognition of Afro-Colombian Cultural Diversity, Impact on Afro-Colombian Identity and Citizenship. – b. Impact on Afro-Colombian Identity and Citizenship. – c. Political Participation and Active Citizenship. – d. Education and Rights Awareness. – 3. Persistent Challenges and Barriers. – 4. Future Perspectives and Recommendations – Conclusions. – References.

Introduction

Although Afro-Colombian communities are an essential component of Colombia's cultural and ethnic diversity, they have faced significant challenges for decades, such as discrimination and exclusion resulting from a lack of access to land, education, and political participation.

However, through their resistance and struggle for the recognition of their rights, and with the enactment of the 1991 Political Constitution, which strengthened the respect for ethnic minorities, Law 70 of 1993, also known as the Black Communities Law in Colombia, was promulgated. Its purpose was to address the needs of communities oppressed and excluded from society, tackling historical inequalities and promoting equality and social justice. Through the implementation of this law, Afro-Colombian communities were granted access to rights they had previously been denied, marking a fundamental advancement in the recognition of their cultural identity. This has had a significant impact on the construction of new citizenships and the promotion of their participation in Colombian society.

This article analyzes how Law 70 has contributed to the recognition of Afro-Colombian communities' rights, including collective land ownership and the promotion of their culture and heritage. It also examines the impact that this law has had on the construction of new citizenships and their participation in Colombian society. To achieve this, the article develops three key aspects. The first part reviews the history and context in which Law 70 of 1993 was promulgated, highlighting the main reasons for its creation. Next, a critical analysis of the fundamental aspects of Law 70 is presented, examining how it has influenced and impacted Afro-Colombian communities. Finally, the challenges and obstacles that Afro-Colombian communities still face will be identified, along with recommendations to strengthen the effectiveness of Law 70.

Thus, the 1991 Political Constitution of Colombia legally recognized, for the first time, the existence of ethnic minorities, opposing the hegemonic view of mestizos as the predominant ethnic group. The recognition of the presence of ethnic minorities in the country—indigenous peoples, Afro-descendants, and the Romani people—led to the establishment of rights aimed at repairing the historical invisibility of these communities. While the 1991 Constitution opened a legal avenue for the promotion of minority ethnic rights, it did not by itself result in the desired social, political, economic, and educational inclusion.

It was necessary to overcome barriers to political participation, establish an educational system rooted in the ancestral knowledge and practices of these communities, and ensure their effective social and labor inclusion. Adding to these challenges was the public's indifference toward the issues faced by ethnic minority populations. In this context, social movements and the agreements derived from social encounters demanded concrete mechanisms for implementing laws that would safeguard cultural identity, promote social development, and drive economic growth in areas such as land titling. Law 70 of 1993 was enacted as a response to these issues, specifically addressing the historical exclusion and exploitation of Afro-descendant minorities, which is why it is also referred to as the Afro-Colombian Law.

Research Problem

Given the legal structure established with the 1991 Political Constitution, Afro-descendant minorities gained access to rights they had not previously enjoyed. To ensure the effectiveness of the promulgated rights, Transitional Article 55 was proposed to implement mechanisms for recognizing the right to collective land titling for lands ancestrally inhabited by Afro-Colombian communities.

Additionally, the aim was to establish mechanisms for protecting cultural identity and fostering the social and economic development of these communities. This led to the enactment of Law 70 of 1993, which grants rights to the Afro-Colombian population. As a result of the process undertaken with the implementation of Law 70 of 1993, the research question arises: What impact has been



generated on the identity and the configuration of new citizenships within Afro-Colombian communities following the enactment of Law 70 of 1993?

Methodology

In the development of this article, a qualitative methodology with a historical-analytical approach was employed, utilizing tools such as the search for bibliographic sources and the review of relevant legislation to investigate the foundations and scope of Law 70 of 1993 and its implications for Afro-Colombian communities. Another technique used was conducting interviews with individuals related to the topic. Based on the information collected and the subsequent analysis, it was possible to infer the social processes and the scope of the law under study in this article.

Research Problem Solution Framework

The article examines the influence of Law 70 of 1993 on the recognition of rights and the construction of Afro-Colombian citizenship. This law, which emerged after the 1991 Constitution, represents a crucial advancement for Afro-Colombian communities by recognizing their cultural diversity, promoting collective land titling, and strengthening their political participation. However, its implementation has faced several challenges. The law is geographically limited, excluding many urban Afro-Colombian communities, and insecurity in their territories, due to violence and the lack of legal protection, remains an obstacle. Additionally, the exploitation of natural resources and the lack of effective public policies have restricted the full exercise of Afro-Colombian rights. Despite these issues, the law has empowered these communities, reinforcing their identity and promoting equality. Nonetheless, the article emphasizes that the effectiveness of Law 70 must be constantly evaluated and improved to address persistent inequalities and ensure true inclusion and social justice for Afro-Colombian communities.

The article is structured into several key sections to address the research question regarding the effectiveness of Law 70 in recognizing rights and building Afro-Colombian citizenship. First, an introduction provides context on the historical problems faced by Afro-Colombian communities in Colombia, highlighting the discrimination and exclusion experienced by these communities and the relevance of Law 70 of 1993 in mitigating these injustices.

Next, the historical background section analyzes the historical and political framework that preceded the enactment of Law 70, including the social struggles of Afro-Colombian communities and the evolution of their legal recognition.

The third part examines the implementation and key elements of Law 70, detailing its impact on land titling, cultural identity, political participation, and education. In the following section, the persistent challenges and barriers limiting the effectiveness of Law 70 are discussed, such as violence, discrimination, and socioeconomic limitations. Finally, the article concludes with future

perspectives and recommendations to improve the implementation of Law 70, emphasizing the need for more inclusive public policies and the promotion of active political participation by Afro-Colombian communities.

Writing Plan

1. Historical Background of Law 70

In much of Colombia's history, the Afro-Colombian population was subjected to slavery during the colonial period, and even after its abolition, they continued to be marginalized and excluded from a society marked by structural racism. Law 70 of 1993 is the most significant document from the State recognizing the rights of Afro-Colombian populations, primarily regarding territoriality and the preservation of cultural identity. Although it may seem that the antecedents of this law are directly linked to the National Constituent Assembly and the 1991 Political Constitution of Colombia, one could argue that while these events did contribute to creating an environment conducive to respecting cultural diversity, the real precedent lies in the social and political struggles of Afro-descendant populations that spanned many years.

For a clearer explanation, it is necessary to go back to the 1886 Political Constitution. This was perceived by Afro-descendant populations as a limited legal paradigm from a social and political perspective, characterized by its failure to recognize or respect their cultural and ethnic diversity. During this time, the loss of ancestral lands and the destruction of their cultural identity were common. The legal framework was based on institutionalized and dehumanizing norms aimed at achieving sociocultural uniformity and denying social recognition of diversity among minorities.

While they did not enjoy complete political and legal freedom, the 1886 Constitution only recognized indigenous people, under certain parameters, as cultural diversity. This confirmed the invisibility of Afro-Colombian populations, as they were considered, according to the legal framework, lacking any positive value to be recognized as an ethnic group. Over the years, this process of identity homogenization was accompanied by epistemic violence, the main element of which was the concept of race as the structuring axis of the nation and as an ordering discourse used to regulate and legitimize relationships in various spheres of society. According to Valencia Angulo (2017), this allowed for the continued justification and perpetuation of discrimination, oppression, and the invisibility of Afro-Colombian communities. In an effort to rectify the historical injustices committed against them, black communities mobilized, fighting for years in defense of their rights and seeking recognition of their cultural identity.

As a result, a well-organized Black Communities movement emerged across the country, with the goal of having Afro-Colombian representatives directly involved in the process of electing and forming the National Constituent Assembly. Although this was not possible, as they ultimately decided to support candidates from political parties, during the deliberation and awareness period, they presented themselves to Colombian society through forums, activities, and cultural and



traditional displays, which bore fruit by ensuring their inclusion in the new constitution (Estupiñán Valencia, 2019).

With the emergence of the 1991 Political Constitution of Colombia, new criteria were proposed that allowed the country to identify itself as a Social State governed by the rule of law, which entails mandatory recognition of a participatory democracy and individual and collective human dignity. Likewise, it committed to promoting and protecting human rights, which include the fight against racial discrimination and the pursuit of social equality. It established a legal framework for the enactment of specific laws that protect the rights of ethnic minorities, including Afro-Colombian communities, thereby recognizing the ethnic and cultural diversity of the country (Murillo Murillo, 2004).

The legal structure established in the 1991 Constitution gave rise to Transitional Article 55, which outlined the need to develop a proposed law that would regulate and represent a concrete effort to address the demands of Afro-Colombian communities, establishing mechanisms for protection, elections, and citizen participation; promoting collective land titling; and fostering economic and social development.

Thus, what we know today as Law 70 of 1993 or the Black Communities Law in Colombia emerged, granting cultural recognition to Afro-Colombian communities (Carrasquilla Marrugo, 2017). According to this law, black communities are defined as: "The group of Afro-Colombian families that possess a distinct culture, share a history, and have their own traditions and customs within the rural-urban relationship, which reveal and maintain an awareness of identity that distinguishes them from other ethnic groups" (Art. 2, p. 2).

2. Implementation and Analysis of Key Elements of Law 70

The implementation of Law 70 in Colombia has been a crucial process in ensuring that the key elements of the legislation are effectively applied, thereby promoting the rights and well-being of Afro-Colombian communities. Identifying and highlighting these elements is of utmost importance, as it provides a clearer understanding of the law's provisions and objectives, facilitating its comprehension.

Thus, the legislative aspects that constitute Law 70 of 1993 (as described below) are: collective land ownership and the recognition of Afro-Colombian cultural diversity; the impact on Afro-Colombian identity and citizenship; political participation and active citizenship; and education and rights awareness.

a. Collective Land Ownership and the Recognition of Afro-Colombian Cultural Diversity

Before the enactment of Law 70 of 1993, Afro-descendant communities faced a series of problems such as threats, violence, and coercion related to the possession of ancestral territories, largely stemming from racial discrimination and the lack of legal recognition of their territorial rights.

The State's failure to recognize Afro-Colombian communities as an ethnic group resulted in a lack of legal protection and the denial of the importance of their ancestral territorial rights. Thus, without formal property titles to support their right to the land, many communities were vulnerable to improper appropriation and eviction from their territories.

However, with the enactment of the law, the territories historically inhabited by Afro-Colombian communities were legally recognized and protected, allowing for collective land titling and guaranteeing the rights of community ownership over their territories. This is fundamental in two aspects: on the one hand, it has been crucial for the construction of citizenships, as it helps preserve the traditions, identity, and culture and the community's relationship with the land; and, on the other hand, it improves the quality of life by strengthening these communities' ability to control their resources and economic development (Murillo Murillo, 2004). This recognition guarantees their right to occupy, use, and conserve the territory according to their traditions and cultural practices.

Additionally, they have an active voice, as they have the right to participate in decision-making related to the use of their territory, which directly influences sustainable development projects that may affect the area and natural resources, as well as promoting economic diversification and access to basic services. Therefore, to preserve their way of life, it provides protection in case of potential land usurpation by third parties, private companies, or governmental interests (Estupiñán Valencia, 2019).

Moreover, collective land titling has been crucial for the construction of citizenships, as it helps preserve traditions and cultural identity. In other words, the various cultural manifestations and practices of the communities, which have significantly contributed to the biodiversity that gives the country its identity, are valued and respected.

Afro-Colombian communities have a rich and diverse cultural heritage that includes their cuisine, traditional African languages, practices of various religions and belief systems, traditional music and dances, crafts, rituals, festivals, and much more. Respect for these practices is essential in recognizing Afro-Colombian cultural diversity, as it builds a more inclusive, just society that respects the plurality of identities, promoting equality and social cohesion.

b. Impact on Afro-Colombian Identity and Citizenship

Con el reconocimiento de la diversidad cultural afrocolombiana en la Ley 70 de 1993, se ha fortalecido la identidad de estas comunidades, pues al tener como objetivo el reconocer, resguardar y promover sus tradiciones, música, entre otros aspectos, permiten que refuercen su orgullo y sentido de pertenencia a una herencia cultural única y valiosa. Asimismo, se puede vislumbrar como un medio para reclamar y afirmar una identidad negra que fue negada o marginada en el pasado debido a la historia de discriminación racial que han enfrentado estas comunidades.



El fomento de una identidad fuerte ha ayudado a reclamar su ciudadanía plena y a ejercer sus derechos y participación en la vida política, cultural y social del país, reforzando la idea de ser ciudadanos activos y plenos.

Como se menciona en el punto anterior, la Ley 70 de 1993 ha empoderado a las comunidades afrocolombianas con el reconocimiento de la titularidad de territorios colectivos, garantizando el derecho a la participación de estas en la toma de decisiones relacionadas con el uso de su territorio, lo que otorga no solo un mayor control sobre sus vidas y futuro, sino que fortalece y permite ejercer su sentido ciudadanía de manera más efectiva.

A medida que se reconoce y valora la diversidad cultural afrocolombiana y se da protección a sus derechos, se fomenta una cultura ciudadana de tolerancia y respeto mutuo, los cuales son fundamentales para la promoción de la igualdad en la sociedad. En tanto, el impacto de esta ley está relacionada con el fortalecimiento de la identidad cultural, promoción de la identidad negra, conciencia de diversidad cultural y la participación en la sociedad.

c. Participación Política y Ciudadanía Activa

With the recognition of Afro-Colombian cultural diversity in Law 70 of 1993, the identity of these communities has been strengthened, as its objective of acknowledging, safeguarding, and promoting their traditions, music, and other aspects allows them to reinforce their pride and sense of belonging to a unique and valuable cultural heritage. It can also be seen as a means to reclaim and affirm a Black identity that was previously denied or marginalized due to the history of racial discrimination these communities have faced.

Fostering a strong identity has helped Afro-Colombian communities claim their full citizenship and exercise their rights and participation in the political, cultural, and social life of the country, reinforcing the idea of being active and full citizens.

As mentioned earlier, Law 70 of 1993 has empowered Afro-Colombian communities by recognizing collective land ownership, guaranteeing their right to participate in decision-making processes related to the use of their territory. This not only grants them greater control over their lives and future but also strengthens and allows them to exercise their sense of citizenship more effectively.

As Afro-Colombian cultural diversity is recognized and valued, and their rights are protected, it fosters a civic culture of tolerance and mutual respect, which is essential for promoting equality in society. Therefore, the impact of this law is related to the strengthening of cultural identity, the promotion of Black identity, cultural diversity awareness, and participation in society.



d. Education and Rights Awareness

As is well known, education is a widely recognized fundamental right that must be provided in the highest quality, in an inclusive and equitable manner, promoting equal opportunities. This means it must be available to all people, regardless of their ethnic background, gender, or condition, and must be provided to meet their needs and aspirations. This is essential as it can be seen as an effective means to combat discrimination, racism, and exclusion, providing space for the preservation of culture and identity in society.

In accordance, Law 70 guarantees Afro-Colombian communities access to quality education, which is essential for their development and participation in society, respecting their cultural and linguistic needs, thus reflecting their cultural heritage. This includes access to schools, trained teachers, adequate educational resources, scholarships, and support programs.

It also promotes the inclusion of environmental care and the true Afro-Colombian history and culture in curricula. This means that students can learn about their own history and heritage, contributing to a greater awareness of their identity and cultural rights, which is crucial for empowering the community for the next generation of leaders and professionals. Additionally, Colombian society gains a deeper understanding of the country's cultural diversity (Estupiñán Valencia, 2019).

This awareness of identity and rights allows them to preserve and promote their culture, territory, and identity, protecting their traditions and participating in political decision-making at both the local and national levels. It also enables participation in social movements advocating for equality, social justice, and human rights in Colombia.

The purpose of Law 70 in this regard is to provide Afro-Colombian communities with spaces for knowledge, keeping them informed about their rights. This gives them the opportunity to be better equipped to advocate for equality and respect for their rights, and to identify and confront situations of discrimination, racism, and exclusion.

3. Persistent Challenges and Barriers

While Law 70 represented a significant advance in recognizing the rights of Afro-Colombian citizenship and in building their citizenship, it has also faced challenges and criticisms. In general, the effectiveness of the law in recognizing Afro-Colombian rights and building Afro-Colombian citizenship has been promising, but it largely depends on the proper implementation of its provisions, as well as the political will to address structural inequalities and racial discrimination in Colombia.

It can be pointed out, first of all, that the law presents a limitation in terms of space and race. That is, it only recognizes Afro-Colombian community membership, organizational forms, and rights



within the limits of the Pacific Basin, excluding Black communities beyond this geographical area or in urban areas (Murillo Diez and Ramos Rodríguez, 2019). Thus, a large number of people who, because of their phenotype, identify as Black but are fully integrated into the urban social dynamics in different parts of the country feel left out of their identity group and cannot access calls, plans, or programs specifically directed toward Afro-Colombian communities.

On the other hand, communities face the threat of illegal armed groups and violence in their territories. This insecurity limits their ability to fully exercise their rights and develop safely, resulting in forced displacement and land dispossession, especially in rural areas. Consequently, there is a lack of security in land tenure, which puts their rights at risk and represents a serious setback in the progress made toward social exclusion (Erazo Gómez, 2012).

Similarly, the implementation of development projects by entities and corporations presents challenges. The exploitation of mining and natural resources, often carried out without properly consulting Afro-Colombian communities, results in the impoverishment of the latter.

For example, in northern Cauca, the State has granted mining concessions which, while they have not been able to operate in the region due to local resistance and the complex network of illegal mining and its armed allies, have generated deep indignation and unrest among the local population due to the disregard for their territorial and cultural rights sanctioned by the 1991 Political Constitution (Restrepo, 2017).

Furthermore, since no decree has been issued establishing the requirements and conditions related to current mining regulations, this can generate insecurity in communities, as territories may be granted by the State if they are not formally collective property of Afro-Colombian communities (Murillo Diez and Ramos Rodríguez, 2019).

Additionally, there are other cases, such as the poor management of resources allocated to certain projects, where, if managed by various entities, it is difficult to control and monitor the budget (Murillo Murillo, 2004).

Moreover, unfavorable socioeconomic conditions persist. The lack of access to resources and economic opportunities is a major obstacle, leading to higher rates of poverty and unemployment. In fact, according to recent reports from DANE (2022), the monetary poverty rate for the Black, Afro-descendant, or Afro-Colombian community in 2021 was 46.1%, compared to the national average of 39.3%; and the extreme poverty rate was 17.3%, compared to the national average of 12.2%. In terms of quality of life, Afro-Colombian communities still face issues such as lack of access to basic services like drinking water and sanitation. Here, the State, as a guarantor of rights for the preservation of the territory, must ensure dignified living conditions for Afro-Colombian communities (Estupiñán Valencia, 2019).

Therefore, it can be argued that these socioeconomic conditions are largely due to the lack of public policies that regulate their needs. This is because Afro-Colombian communities, despite advances in political participation, still face challenges in effective representation in decision-making positions and influencing public policies.

It is also worth noting that discriminatory attitudes, limited media access, and lack of visibility can create difficulties in presenting their proposals, which may influence voters' decisions and the perception of Afro-Colombian leaders' ability to hold high-level positions. However, it is essential to elect representatives who truly offer proposals that effectively address the needs and concerns of these communities (Erazo Gómez, 2012).

Despite these challenges, the communities have demonstrated great resilience and perseverance in their struggle for equality and justice. The effective implementation of the law and other legal instruments, as well as a greater commitment to inclusion and non-discrimination, are important steps toward addressing these obstacles and promoting a more just and equitable society in Colombia.

4. Future Perspectives and Recommendations

The struggle for equality and racial justice in Colombia is an evolving process that deserves ongoing attention and constant commitment. Identifying, evaluating, and addressing the limitations and challenges in the effectiveness of this law is essential to ensuring that Afro-Colombian communities enjoy social equality, combat racial discrimination, and are guaranteed a safe environment for full participation in their development and political progress in Colombian society.

The productivity of Afro-Colombian territories must be promoted. The lack of productive activities in these community areas may lead the State to consider them as vacant land, which goes against the law and the ancestral vision of the communities. To protect them, it is essential to promote sustainable economic activities in these territories that respect the culture and rights of the communities, thereby guaranteeing land ownership and promoting development in harmony with Afro-Colombian identity and traditions.

It is important to emphasize ethnic recognition, ensuring that public policies are developed and adopt more flexible approaches in an inclusive and sensitive manner to the ethnic and cultural diversity of the different Afro-Colombian communities. It is crucial to recognize that identity and ethnic belonging cannot be reduced solely to skin color or a specific geographic location. This goes beyond these superficial characteristics and must consider the diversity and self-affirmation of cultural identities.

Furthermore, the law and communities must evolve in terms of political participation. Over time, the needs of Afro-Colombian communities have diversified; therefore, new generations, along with



ethnic education, have the responsibility to continue fighting for their rights and to participate actively in the political and social life of Colombia, ensuring that the guarantees established in Law 70 are maintained and strengthened.

To address and promote this effective representation, it is important to take measures that encourage civic education and political participation, as these promote access to relevant information, which raises awareness among future communities of their rights and influences the election of representatives and the formulation of public policies. This helps prevent violations of their rights and ensures that their interests are safeguarded.

Similarly, training and resources should be offered to Afro-Colombian social leaders and candidates to promote campaigns that provide greater visibility to Colombian society and that can influence voters' decisions and the perception of their ability to hold high-level positions.

For this to be possible, leadership development programs should be provided to Black communities, including assertive communication, decision-making, and conflict resolution. Courses and workshops on public policy and Colombia's political systems should be offered so they understand how the system works and how they can influence it. Additionally, training in other skills necessary for success in candidacy, social awareness, and political elections should be provided.

It is also important to highlight that the success of public policies aimed at advancing communities must manage investment toward options that trigger positive and structural processes, which implies a continuous commitment to driving meaningful changes in society and a solid outcome to support them.

Conclusion

The importance of Afro-Colombian communities in Colombia is primarily highlighted by their distinctive history and rich culture and traditions. Throughout history, these communities have faced significant challenges, including discrimination and social exclusion. However, the enactment of Law 70 of 1993, known as the Black Communities Law, marked a turning point in addressing these inequalities and promoting equality and social justice.

Law 70 of 1993 had the fundamental objective of implementing Transitional Article 55 of the 1991 Political Constitution of Colombia. During the creation of this law, several important decrees were issued, which had a significant impact by recognizing and protecting the country's ethnic and cultural diversity, acknowledging the ancestral territorial rights of Afro-Colombian communities, allowing for collective land titling, and protecting their right to occupy, use, and conserve their territory in accordance with their cultural traditions.

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Furthermore, the law promoted active political participation, enabling these communities to elect representatives and participate in decision-making processes that affect their lives and territories. It also emphasized the importance of education in recognizing the cultural identity and rights of Afro-Colombian communities, promoting greater awareness and respect for their cultural diversity.

However, despite these advances, challenges such as violence in their territories, racial discrimination, and social inequality persist. Therefore, to promote greater equality, more flexible approaches are needed that value the ethnic and cultural diversity of the different Afro-Colombian communities. It is also crucial to foster political participation, implement public policies, and invest in sustainable development projects that respect their culture and rights, fostering inclusion and human development, as well as strengthening their identity.

Thus, we can conclude that, despite the significant progress made by the Colombian State with the implementation of Law 70 of 1993 in seeking public policies that recognize Afro-Colombian communities in their pursuit of ethnic rights, citizenship, and territoriality, they still face numerous challenges on the path to equality and social justice, which limits their access to societal opportunities and resources. These structural inequalities continue to present barriers to the full exercise of the rights and citizenship of these communities.

It is important to note that while Law 70 has not generated significant changes for Afro-Colombian communities from a socioeconomic development perspective, it must be acknowledged that in the not-too-distant future, with proper implementation, it could become a very important tool for future generations of Afro-Colombian communities. Therefore, the effectiveness and impact of Law 70 in building new Afro-Colombian citizenships and their participation in Colombian society is a topic of ongoing evaluation and evolution.

Referencias

- Carrasquilla Marrugo, G. J. (2017). Análisis de la LEY 70 de 1993, el cual tiene por objeto reconocer los derechos de las comunidades negras de la cuenca del pacífico. *Saber, Ciencia Y Libertad En Germinación*, (10), 11–17.
- DANE. (2022). *Visibilidad estadística población negra, afrocolombiana, raizal y palenquera*. https://www.dane.gov.co/files/investigaciones/boletines/grupos-etnicos/CIDH_poblaci%C3%B3n_narp.pdf
- Erazo Gómez, A. (2012). La Ley 70 de 1993 y la participación política de las comunidades negras. *Trans-Pasando Fronteras*, (2), 31-45.
- Estupiñán Valencia, D. / Proceso de Comunidades Negras de Colombia (PCN). (2019, 12 de abril). *LEY 70 DE 1993, LEY DE COMUNIDADES NEGRAS COMENTADAS. LEY 70 DE 1993 / Archivo General de la Nación Colombia (s.f.). LEY 70 DE 1993 (archivogeneral.gov.co)*



- Murillo Diez, L. A., & Ramos Rodríguez, M. A. (2019). *Estudio comparativo entre lo formal y lo real de la Ley 70 de 1993, respecto de la aplicación normativa para afrocolombianos de la región Pacífico* [Tesis de grado, Universidad Cooperativa de Colombia]. <https://repository.ucc.edu.co/items/1c22d73f-2e01-4b7f-b775-fc5fd5173be0>
- Murillo Murillo, J.J. (2004). *El impacto de la Ley 70 de 1993 en las comunidades negras del departamento de Chocó* [Tesis de grado, Universidad Industrial de Santander]. <http://tangara.uis.edu.co/biblioweb/tesis/2004/112497.pdf>
- Restrepo, E. (2017). Afrodescendientes y minería: tradicionalidades, conflictos y luchas en el norte del Cauca, Colombia. *Vibrant: Virtual Brazilian Anthropology*, 14(2), 2-15. <https://doi.org/10.1590/1809-43412017v14n2p225>
- Valencia Angulo, L. (2017). *Reconocimiento en la ley 70 de 1993, un triunfo histórico que se diluye*. [Tesis Doctoral, Universidad de Valle]. <https://bibliotecadigital.univalle.edu.co/server/api/core/bitstreams/388a6811-f2b4-48a5-aed6-8e00e7a0bca2/content>