Borrero, C. (2014). Multicultural (ethnic) laws in Colombia. An ambivalent dogmatic. Bogotá: National University of Colombia.

It characterizes the development of the law to ethnic diversity in Colombia, in light of the different statutes of protection and strengthening recognized for native indigenous peoples, the Afro-Colombian population, and the raizals of the archipelago of San Andrés, Providencia and Santa Catalina.

It reviews the studies on ethnic laws in Colombia; contrasts multiculturalism and interculturality; it raises the dogmatic selections in ethnic matter; and suggests some conclusions.

The construction of an adequate dogmatic for the development of ethnic laws, which takes into account a specific reality, involves recognizing and weighing the laws of collective subjects who value individual laws differently than the liberal tradition does.

Since the substantial transformation in the enforceability of the fundamental rights that the 1991 Constitution supposed, the Constitutional Court has filled the doctrinal field corresponding to these rights, interpreting and giving them shape, displacing the academic doctrine in the debates about what are the rights , what are their major or minor claims of universality. Courts present theories on these issues selectively and narrowly in the judgments constituting extensive treaties that are not simply obiter dictum, but analytically structure and restructure all human rights and the procedural rules to weigh, balance or hierarchize them. In the midst of a racialized and hierarchical scheme, from the time of the Colony until the Constituent Assembly of 1991, laws of indigenous peoples and Afro-descendant communities survived through processes such as Indian law, the recognition of palenques, the constitution of reservations, the transit to the Republic and its rhetorically libertarian ideas of a happy miscegenation, until reaching the legal adoption of ILO Convention 169.

There is a connection between special rights based on ethnicity and the liberal principles of dignity, equality and freedom. Overcoming the debate between communitarians and liberals, in the current world context these rights would have a privileged place in the processes of national construction, which can no longer be done simply from the mono-cultural perspective of the hegemonic national groups.

Constitutional jurisprudence, despite its claims, is inconsistent, and shows a marked tribal tinge, which makes it possible to make the situation and structure of rights of indigenous and Afro-rural peoples more visible, but which is quite deficient for the protection of the Afro-urbanity and the Raizal population.

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