

TERRITORIALITY, ENVIRONMENT AND RIGHTS IN INDIGENOUS PEOPLE IKU (ARHUACO) FROM SIERRA NEVADA OF SANTA MARTA, COLOMBIA¹

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“Zaku Seynekun-Mother Earth” refers to the space and time, physical and spiritual, where develops, and recreates culture and life, under the rule of the Law of Origin. Since its creation, there are all the elements and fundamental conditions to make life possible. Mother Earth is a living being with its own characteristics and the human physiognomy is a replica of the physiognomy of the Earth, and it provides water, vegetation, animals, sea, fire, food, air and it is an interconnected spiritually system for the spiritual flow energy, but apart from that, its importance is that is circumscribed “both physical as spiritually, to the Law of Origin, which, ultimately, is in direct connection of viable life and, therefore, the physical and cultural permanence of biodiversity in perpetuity”.

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INTRODUCTION

The Indigenous People Iku (Arhuaco) is one of four indigenous people²

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² The other three indigenous peoples are Kogui, Wiwa and Kankuamo.

of the Sierra Nevada of Santa Marta. Their territory is located near the North Coast of the Colombian Caribbean Sea. Their population is around forty thousand habitants and they are considered one of the most traditional indigenous peoples in our country. This document³ seeks to indicate the relevant affairs of Iku culture referred to traditional way they conceive their environment, their territory, their culture and their role in the world, from their conception of environment and territory as Mother Earth.

This presentation is grouped in six parts such as: “Physiognomy” traditional and cultural basis of territoriality Iku-Arhuaca, principles and values of their territoriality, the importance of the of the black line, elements inherent to mother earth and finally, central elements for official recognition of the limits of the heart of the world, with some reflections on the current situation and the threats that hover on the territory and the Arhuaca indigenous culture⁴.

I. “FEATURES” TRADITIONAL AND CULTURAL FOUNDATION OF ATY SEYNEKUN—“MOTHER EARTH”

In concordance with the Law of Origin⁵ societies were located in different parts of the world with their respective spots, customs, languages and laws, whole these behaviors framed with nature. In the same way, the territory at the time of its creation was conceived with a few mandates that made possible the understanding and mutual human behavior. This is why, there are some laws that precede over human and correlative duties, considering for that relationship the compliance of this mandates, both, the humans and territory are made possible through the union of the spiritual and physical space.

By **physical space**, we understand all those beasts with its integrity from the smallest to the biggest, in their respective habitats and behaviors, and we understand that **spiritual space** is all those mandates made humans and animals, who must be governed under that logic by making some activities and, therefore, the relationship of the physical with the spiritual world allows the survival of traditions.

³ The basis of our discussion is based on the document, Cabildo Mayor Arhuaco, *Plan de Salvaguarda del Pueblo Arhuaco*. Nabusínake (2016).

⁴ Some discussions are contained in: General Assembly of *Arhuaco Community, Mandato emanado del KA'DUKWÛ de SÉYNIMIN (GWI'GAKA) respecto del cuidado y uso de las aguas de la Sierra Nevada de Santa Marta*. Nabusínake (2010).

⁵ The Law of Origin is the sacred rule unwritten, which held the world and life of the Arhuaco People; therefore, is the maximum of conduct for all living beings rule and is the duty of the people obey it and follow it, so that maintenance culture.

The territory for the Arhuacos is the principal element, gifted by spiritual fathers, where life is originated, they are based their experiences and coexistence, thoughts, wisdom and the existence of all beings are based. It is also where they interpreted the law of origin to achieve harmony and balance between humans, nature and the universe in general.

They called Origin because it was created when the world only existed in thought; before being visible, so that, the material realization was already by that law and governed during the existence of the universe. Therefore, the territory represents the human being, whom to strengthen the sense of belonging and cultural roots, Law of Origin depends of life and humanity as well as all other living beings, that is the reason for the Arhuacos is impossible to speak only of human, by identifying and excluding those beings such as animals, plants and other objects from the territory and culture.

Therefore, according to the conception of the Arhuaco Indigenous People, they define the **territory**, as a living being that includes the physical spiritual space, which has come to be ancestrally occupied and is where they recreate the culture, knowledge and the integrity of all relations with the world Iku and allows us to survive and remain as culture. We consider it sacred because it was presented by the spiritual fathers and it is where the life of all beings is generated. This is where the Law of Origin is fulfilled and serves to achieve harmony and the balance needed between human beings, nature and all that exists.

Permanence of the culture depends on the territory because without territory there is no identity or culture, it is the space that provides us the material and the understanding for the cultural development and ancestral activities allowing us to speak of balance and harmony with nature.

When we speak of territory we refer not only to the soil, to the surface; we talk about the whole composing, such as the air space and the basement, since they contain other living standards. For this reason, it is for us the fundamental basis for the politic organization and consolidation of the peoples of the world.

The territory is a Code, the space that contains the regulations and not allows its violation because each violated rule, makes justice without subjectivity ensuring that every element of the permanence of life nature, and thus establishing the knowledge of the rules which it contains.

Therefore, it is a compromise for all keeping it and protecting it, because the Arhuaco People were located in a sacred territory of the Sierra Nevada of Santa Marta (SNSM) so spiritually we have to seek for the balance and the sustainability of life in the world and the universe. We have

to make the payments and traditional sanitation and thus compensate for the benefit, we receive from Mother Nature; also, we must give back to parents, owners of the elements and manifestations of nature, for them allow the life of all societies.

Our policy based on the cultural concept, has been the recovery of the territory, represented not only in the physical occupation of space, in the conservation of all the elements and natural events that exist as well such as water, forest, animals, rivers, creeks, lagoons, wetlands, wells, mountains, hills, clouds, hills, *Gwíachunu*, *Murundwa*, *A'tinkunu*, *Jwikunowma*, *Chukinma* and also other elements, to give the management according to the own view on nature and the world is what we have been developing and have the commitment to preserve, encourage by their feedback and thus ensure not only our future but the life of future generations and other societies.

Recover the territory, it is not only occupying the spaces, it is to restore harmony in nature, its elements and in spirit (*Á nugwe*). That is the sense of duty of care for the territory, which is part of our Mission to Life.

The ancestral territory is a collective fundamental right that gives us life, which develops the culture, tradition and Self-government, therefore, our priority is defense, protection, recovery the ancestral area until the Black Line, this is our control limit outside, inside it, the activities must be controlled and limited.

It should be noted that to defend the Territory in a comprehensive way, it is necessary to perform traditional jobs that correspond to payments and spiritual sanitation, driven from the four major Kunkurwas in coordination with the other existing Kunkurwas, under the guidance of Mamos and the Mamus⁶. These works must be met by all Arhuacos mandatorily.

II. PRINCIPLES AND VALUES OF ATY SEYNEKUN—"MOTHER EARTH"

We think in our culture that the human physiognomy is a copy or replica of the face of the Earth. The Mother Earth (Seynekun) is our benchmark and our guide for the development of the human activities. Our body and spirit come from it. Solid, liquid and gaseous substances that contains within it have specific vital functions and are the prototype of the internal order of our body. In so far, the water runs in its body, the blood will be circulating in our body. While the Earth can breathe the cosmic energy, our body can breathe; as long as a healthy energy maintains and

⁶ This is the name for the traditional authorities for the 4 indigenous peoples from Sierra Nevada of Santa Marta.

spirituality of the trees, mountains, rivers and others, we can keep also a healthy body and spirit.

Human procreation as copy or replica of the planetary system: is our benchmark and our guide for the procreation in the human specie; each planet is equivalent to a cycle of pregnancy, the development of nine months in gestation of a creature is the tracing and spiritual journey of nine planets; worth to say that for each month of gestation in women it represents each planet travel.

Philosophical conception of the self: the world consists of a corporeal element or material and an energy element or immaterial, therefore, the physical changes are manifestations of the movements in the energy world. Iku (Arhuaco) focuses not only on the material element, that special care is taken in energy, or intangible element that precedes all material preparation, where is the way to restore an order necessary for the emergence of desired material states and whose duty is to preserve them by the Law of Origin in any case. Actions are in that sense, are the native Indigenous of the Sierra Nevada, constituting a non-delegable and inalienable fundamental right entitled by the Law of Origin. The practices and ceremonies pillars in the life of the Arhuaco, as the inclusion in the material life (baptism), the preparation for life as a couple and procreation (marriage), disconnection of the material world (funeral or burial rituals), the relationship with non-Indigenous, and many others are registered and certain on the map on the energy order known by the Mamos.

Inclusion in the energy and natural planetary Dynamics: we are circumscribed in the dynamism of our planet, it is necessary the preparation of our well-being, which begins for the contribution to the satisfaction of the energetic and spiritual order location inserts. Without that reference, there is no guarantee of welfare and addressing to forge our destiny. Our well-being is linked with the physical well-being and spiritual of waters, animals, forests, fire and mother earth in general. The place of origin of the Earth, is the origin of air, fire and water too; they also originated from the four primary elements inherent in the physical and energetic composition of the planet and its creatures.

Inescensibility (Inalienability) between territory and culture: for the Arhuaco People, is enough to have the spaces provided by the territory because as already mentioned, it integrates the sufficient elements to talk about the permanence of a culture; so that the native people known rules which it consists and comprises the rules as required by the Law of Origin. The territory is the dictionary of the Arhuaco People, that of knowledge maintains a natural order and forms a landmark system interconnected

among themselves in small and large space and at the same time each milestone links together. Example, Guatavita⁷ with Nawowa.

The correlation of benefits as the law of unit: among the indigenous exists cultural diversity, therefore also sacred territories were distributed according to the spiritual constitution and mission of the functionality of each Indigenous People; nothing is random, everything occurs because there is a spirit that precedes it. It is a “chain of benefits correlation” between the various territories which were by Greater Mandate awarded to different societies or groups of humans. This correlation of benefits should be developed in two directions: from matter to spirit and spirit to matter; thus, it is that it sets the coexistence balance. Different Indigenous People we also correlate, and distinguish, though the same Law of Origin, but with different worldviews, more not with differences in the logic of functionality of the principles of life. The Law of Origin is something like the winds that wrap around the world and flow from one place to another to ensure oxygenation of all things.

The spirit guides (Mamu or Mamo) claim that the spiritual and material are the same unit of existence; they complement each other and function as a single being. Thus, all matter is able to exist and operate as such, because there is a spirit which complements it and governs it. This complementarity and joint functionality is regulated by the Law of Origin, which is fair, universal and affordable to all beings; it guides, how should you be live and how you must set the relationship of coexistence, both spiritual as materially different between the different societies or cultures and with other beings of nature. Only in this way is achieved harmony, balance and universal beneficence.

On the other hand, non-indigenous supply us materially media to strengthen the material life; When non-indigenous supply materials we use, we also correspond to make the payment for them, because it is like a loan they make us. Thus, a correlation of benefits, indicates that non-indigenous peoples could not live them without us and we could not strengthen our lives without them. This correlation in an order governed by the mandate enshrined in the Law of Origin, is that leads to the sustainability of life and of all the things, in balance, there is a mutual cooperation between non-indigenous and indigenous peoples.

The correlation of benefits is expressed in all the workings of nature; the seas need fresh water to cool your heat, fresh water need of the sea to facilitate their movements; the temperature of the Earth need staggered to a

⁷ Sacred Lake to the Muisca indigenous people, which is located in the center of Colombia.

balance, for it is given the heat and cold; the food chain is one of the clearest examples of correlation of benefits, so on everything is correlation of benefits. The logic of these correlations of benefits that we can understand without too much effort in the material world, say the Mamus is similar to that which occurs between the material world and spiritual world; There is correlation of benefits because only thus can exist a balance in the life of all things, so it was ordained and established, so it was conceived by the older parents; everything is subject to principles or laws, they are spirits.

So here is where the territory, considered “unity of life” and therefore **Zaku** (mother), is the basis of correlations, because these are given through it, and to it, therefore is that correlation is double sense, of the territory as the spirit as being superior to matter, and vice versa. Then, when the Indigenous speak about live with non-Indigenous or “lesser brothers”⁸, we have clear each people must be in their territory complying with life as it was ordained; Each of them have to establish in the place was given with a good correlation with others; do not invade or desecrate the territories of the other human group, that was given to fulfil functions according to the nature of his spirit; a correlation must be set respecting the ancestral laws to make it possible control of the problems between humans and between humans with nature.

This means that Indigenous being in our sacred territories, we correlate with younger siblings, helping us and providing us elements for strengthening the life in harmony with nature. That’s why, indigenous use material aspects provided by the younger siblings, and indigenous provide them to younger siblings, fundamentally spiritual aspects that urge to the greater parents to provide them with the necessary materials to their lives. But this correlation of benefits, cannot be understood as mere folk acts of consideration or manners of coexistence with the purpose of meeting the needs, but exceeds beyond logic of only seek the pleasures in life; the correlation of benefits, therefore, exists a mandate that must a govern in the order that was established, it shouldn’t build just because, in spite of the fact that our individual interests are on top. The correlation of benefits is a Unit Law, of Justice and Equality, which shouldn’t be taken with intent to destroy the others; It is a matter of guaranteeing the order of things so that the balance and harmony prevail and, with them, the sustainability of universal life.

On the other hand, the principle of creation of all things governed the life of everything that exists; Indigenous hold that sacred territories

⁸ In our culture, we consider “non-Indians” as “lesser brothers”, because we are the “older brothers”.

symbolize the coexistence. Our Own Law provides that the constitution of the subsoil, colors and texture demarcate the existence and the principles of coexistence of different societies. That's why everybody must respect and preserve the ancestral territory. One of the reasons why non-Indigenous must respect and ensure the survival of indigenous peoples, is because in ancestral territory exists laws that guarantee the life of non-Indigenous too.

For indigenous sight of cosmos, the unity of life consists in all dimensions; in the case of the Earth, life transcends from the depths to the distant sky or air space which makes connection with all the stars and planets. The Mamos explain that Earth is Zaku or Mother because it was the main thing in the creation and its life became possible. Also explain that deep in Zaku, parents established and made the life possible. This explains why not indigenous people cannot count them on the fundament to consider as property of the State subsoil and air space.

The territory as the basis of correlation, contribution, supply and mandate: understanding the territory as a whole, where survive and survival living and nonliving beings, where born and develops life, is considered the major base where are the spiritual laws that govern the correlation, the contribution and utilities supply; the territory is structure of the logic of the correlation between different societies or groups both in the material and spiritual field.

For compliance with this fundamental principle that governs the balance, and sustainability of life to each social group was assigned a territorial space. This principle is the rule of coexistence; that is why the territory cannot be excluded any coexistence between humans and the human relationship with nature. The indigenous have their territory for exercise a life based on the Law of Origin correlating with other societies, but especially reign in the spirituality of contribution and supply of utilities in the spiritual world.

The Mamus expressed that indigenous stood in sacred territories for spiritually we seek for the balance and the sustainability of life in all the dimensions of the world and the universe; it contributes, through the spiritual payment and coping with a life visible according to them, by the utility of the material in the fallback of the needs, to compensate this matter in the spirit world so don't miss out on the given correlation between their respective spirit; It is for us supply the spiritual world of non-indigenous of the necessary elements, which facilitate the life of them to express themselves in the field. It's like throw them food spiritually so materially always can to live, something as well as give them oil in spirit, gold in spirit, water in spirit, fertility of the land in spirit.

Indigenous are more spiritual than material, and we reflect this in everyday life. But no one can understand this mission as a power attributed to us directly, that faculty is in the hands of Elder Parents, we as humans are limited only to contribute (**izasana**) to the Parents as owners of all matter to rule and order the facilitation of life. For us to continue this mission, non-Indigenous must respect us our sacred territory and our way of life.

Universal Order of Aty Seynekun—Mother Earth universal order: in accordance with the Law of Origin, societies were located in different parts of the world with their respective territorial space, their culture and their own language and are energetically connected through milestones or sacred areas, under laws for their compliance as a guarantee to maintain the universal order. Under that logic, the territory is a living being and makes reference to the space spiritual and physical where is developed their culture, the knowledge, social, cultural and spiritual relations, that constitute the fundament of the permanence of the Arhuaco People, that through the time has come claiming them rights and it territorial autonomy that has on the ancestral territory framed by the **Line Black**.

III. *BLACK LINE* OR LINE DIVIDING OF THE SIERRA NEVADA OF SANTA MARTA (SNSM) AND PRINCIPLES OF ARHUACO TERRITORIALITY

The **Black line** or dividing line, are sacred geographical landmarks located in areas bordering the territory of the Sierra Nevada. Among these sites, there is a mutual connection with the water, the snowy peaks, other landforms, the sea, the glacial lakes and coastal lagoons, water births on the top of mountains and the mouths of the rivers; in such a way that all make up a network; the flow of permanent relationships is what gives life and essence to the Territory and our mission is to maintain active connections of that network. This natural order articulates and determines specifically various aspects of environmental, cultural, political, social and economic life of the Sierra Nevada and the world.

The Black Line receives its own name in each one of our languages (Arhuaco, Kogui, Wiwa and Kankuamo), as well as the spaces that make it up, and in that denomination, is the meaning and the sense that each of the “sites” or spaces, which feature a special and interconnected with the rest of the territory and are also energy connection “points” with the rest of the Universe. In this sense, the black line is not a border demarcation, this should be understood as a universal concept that has been used to physically mark not beyond, not nearer, the ancestral territory.

Ancestral territory is bounded by the black line, formed by “a succession of sacred geographical landmarks located on the contour of the Sierra Nevada, between these sites there is an energy channel of interconnection as the water with the snow-capped mountains and other landforms and the four stripes of the Sea (Mukuriwa, Zanuriwa, Tukuriwa, Gunuriwa), the glacial lakes and coastal lagoons”, water births in the moors and the mouths of the rivers; in such a way that all make up a network; the flow of permanent relationships is what gives life and essence to the territory and our mission is to maintain active connections of that network.

Recognition of sacred sites marked in that area must be property in perpetuity of the Peoples of the Sierra Nevada to the traditional exercise in the framework of recognition of the collective right to the territory. Therefore, our conception of the Black Line or Dividing Line and Territory becomes the universal commitment to their defense where we perpetuate our policy, which guarantees the existence of life, and thus realize the appropriation of the exercise of self-government for the use and management of Mother Nature based on Law of Origin allowing the search for agreement and coexistence based on recognition and respect.

In this sense, traditional authorities will promote the exercise of the traditional calendar in the times indicated for the fulfillment of the payments in the sacred sites that are of collective interest and making reference to the traditional demarcation. Recovery and total control of each one of the sacred sites within the ancestral territory, in particular those who make up the Black Line is essential for the permanence of the culture.

For the Iku (Arhuacos), the lives of the people are based on the Law of Origin, Kadukwu, Kakuawiri Zaku Jina, Murunsamas and the Mamu.

The **LAW OF ORIGIN** is a principle of rule, which governs everything. This law establishes a pre-existing order to any rule or regulation created by human beings. Older parents established Law of Origin. The Indigenous Peoples of the Sierra Nevada were left to comply with the Law of Origin and thus ensure coexistence, harmony and balance required for the life of all species or beings of the world and universe. It was called “of Origin” because it was created when the world existed only in thought, before acquiring a visible, so that the material realization was already determined by this Law and governed during the existence of the Universe.

This way, for Peoples of the Sierra Nevada becomes the maximum Guide for all the events of life. Of the Law of Origin enforcement also depends the balance of the Earth. As much as we respect the Law of Origin, this feeds the nature, the energy of the Sun, the Moon and the other things

that our Mother Earth has bred and foaled.

The Law of Origin does not exclude any society or group of people. It is everything. It is not confined to the particular cultural practices of a group of people. It is above the look of the cosmos of each people, as regards the principles of life about the universe and the forces that govern it.

Law of origin, is the Highest Law and basis of thought. On the other hand, **KADUKWU** refers to the places of connection with Mother Earth and source of wisdom; refer to the space defined by the Spiritual Fathers as instance for the exercise of Law enforcement. They exist at the same time Kadukwu for us (Seykwinkuta, Numaka, Seynimin and Seykumuke).

On the other hand, **KAKU AWIRI ZAKU JINA** or (father's and mother's spiritual) are the parents of thought and spirit of each element of nature and cosmos. They were allowed from the Law of Origin to correspond to the actions of the material life. Each one has functions of routing and order of relationship for each existing life.

On other part, **MURUNSAMA** refers to the elements of dialogue between the material and spiritual world. It is the physical representation that possesses the Mamos, to exercise the authority, be spokesmen for Murunsama and interpreter of the message of the Kakuawiri Zaku Jina.

Finally, we found the **MAMU**, who are the people have authorization from Zaku-Kaku Jina as they possess special powers to enforce the mandates of the Law of Origin. The Mamos or Mamus are those with special training, have the Mission of ensuring the social, cultural and political order of all the people Iku.

IV. ATY SEYNEKUN—"MOTHER EARTH" INHERENT ELEMENTS

First, water is vital part and member of the territory since the water is the blood of Mother Earth. Its function is to prevent the heating, cooling the Earth and its environment, making counterweight to the actions of the fire element. Water is life-force that emanates from a Mother or spiritual source. It is that mother gives instructions on how to care for and serve water, so this does not fail and they can exist forever conditions for living. Waters of the Sierra Nevada are an integral part of territoriality and cannot be treated as objects insulated with independent laws. The damming or deviating from the natural bed of the waters constitutes a serious breach of the founding principles of the Arhuaco culture and prevents the fulfilment of the vital functions of refreshment, communication and balance that meets its natural

water flow⁹.

Secondly, the vegetation is vital territory component, since the Sierra Nevada, like other territorial environments, was able to give life to a wide range of plant species of varied colors, texture, size and specific properties, with which the Arhuaco coexisted and harmonized his life, by the Law of Origin. The potential of cognitive development, especially in relation to the physical and energetic health of human beings and their environment, depends on the conservation of this diversity. The introduction of non-native species, although you can allow solutions and visible benefits, does not guarantee a permanent long-term, nor allows to maintain the natural balance and order achieved through centuries, generating unpredictable and uncontrollable phenomena by humans. In short, the native species of the territorial environment are part of the essence of the being Arhuaco and as such represent a well inalienable and imprescriptible on which should keep the care, protection and rational use within the parameters of the Law of

⁹ Is important to remember what was said by the Arhuacos General Assembly (2010) on water when it stated that: "... *The water is the blood of mother earth. Its function is to prevent the heating, cooling the Earth and its environment, making counterweight to the actions of the fire element. Water is life-force that emanates from a mother or spiritual source. It is the mother who gives directions on how to take care of and serve water, so this does not fail and there may be forever conditions to live.*

But the younger brother has now invented laws for the management of the waters, trying to enforce them also in our territory. We understand your concern and we share it, but that is not the way to protect the waters, at least in our territory. Apply these standards would be one aggression to our environment and an offense to the spiritual mother, which may cause a greater departure from the waters and the occurrence of cyclones and hurricanes.

Although the situation adversely to that we have lived by the actions of the younger brother; they have not allowed us to fully comply with the mandate of the spiritual mother, we have been performing it and the effect can be seen in the normal flow of water and the behavior of rains in our territory, not in the territory of the younger brother, where the water of the rivers is summed up and the rains are scarce. That is due to the poor management of the natural environment and especially water, which disrupt the cycle of flows that emanate from the Sierra Nevada and die on the road before reaching the sea, should end its balance, refreshment and feedback function. Thus, the waters of the sea tend to heat up and the ice of the Nevada to disappear. By that same effect of heat on the base come earthquakes, hurricanes, and the disappearance of many species; more damaging is still the construction of dams or reservoirs, therefore we cannot, at least within our ancestral territory be built dams or reservoirs that interrupt the normal course of the waters, because this would give up our reason for existing in the planet and become accomplices of the accelerated deterioration and violation of the natural conditions for the life of all species. Today many terrestrial and aquatic plant and animal species are already disappearing.

The project of construction of the "Los Besotes" dam is a threat against the life of all beings in the basin of the Guatapurí River, in the territory of the Sierra Nevada and the surrounding flat area. If it changes materialize, negative effects would appear slowly and later would be irreversible.

The indigenous peoples of the Sierra Nevada and all those who love nature and life must unite to stop this project against nature that is the "Los Besotes" dam. The mamos will offer support and spiritual protection for the defense of natural resources given by the creator.

Help us to comply with the previous mandate of the spiritual fathers (KakuJina) for the sake of the peoples, their future generations and life on the planet.

Origin.

In third place, the animals are an integral part of the territory. For us, the first animal to appear on the face of the planet was *kuneyru* (little fish from the streams) which appeared contemporaneously with the formation of small pools of water between the rocks, before the same formation of Earth as the outer layer. In the Sierra Nevada remains the primary force that gave rise to the animal species. The care of these was commissioned to the Mamos, which implies the conservation of forests which are the natural farm belonging to each Hill, where they feed on these species. Each one has virtues, functions and rules of management of ancestral origin, and as a whole are part of the natural resources of the indigenous of the Sierra Nevada, represent an indispensable element for the preservation and development of their cultures.

A central element of the Arhuaco territory is the sea, since it is based on the scaffolding of the Arhuaco culture and its primary source of knowledge. The poporo as a symbol of the congregation of the life's sources, takes the shells sprayed on behalf of the sea. This is the original title of our right to the sea, for the fulfillment of our mission of ensuring the energy balance of the planet. Along the Caribbean Costa that bathes them foothills of North shed of the Sierra Nevada of Santa Marta, are them sites where has collected them materials of marine origin used for them ritual of reset constant of the balance, and them sites where is rewards with materials from of them parts high of them mountains of the Sierra Nevada. Thus, any disturbance in the order or restriction of spaces in coastal waters represents a decrease of the possibilities of development and maintenance of the potential life of the entire territorial space.

Likewise, the air is another component of the territory, since air currents carry energy from forces of good and evil, purity and disease, all depending on what human beings themselves release or cause in the environment, having travel routes that exceed any territorial division; reason which requires the establishment of pacts of non-contamination between peoples, in order to avoid damages to the own and foreign environment.

On the other hand, is fire, a central element of the territory that already exists in many kinds such as of land, water and air, each one containing a vital force and specific functions. To the common place of origin (Seyrerigun), they must have direct compensation for the use and thus, promote its healthy sustainability and balance.

Finally, of spiritual interconnectedness of the territory of the Sierra Nevada with other territories as a basis for the coexistence of the different human groups tells us that human relations between the different

communities are held on the energetic harmony among the different territorial spaces. Thus, for example, in our territory we find places interconnected with the Cerro de Monserrate, located at the eastern end of the city of Bogotá, with the Guatavita Lagoon to the North of Bogotá, with the mouth of the Magdalena river in the Department of the Atlantic, near to Barranquilla, etc. It is vital, therefore, keep these spaces to facilitate the energy flow and the enabling environment for the development of intercultural relationships.

V. HISTORY OF THE OFFICIAL RECOGNITION OF THE BOUNDARY OF THE “HEART OF THE WORLD” OR “BLACK LINE”

For the cultural importance that has the Black Line, the Colombian Government has recognized the ancestral use by indigenous peoples on this territory. On two occasions, the Government pronounced about that the peoples of the Sierra Nevada have with the territory delimited by the Black Line. On the first occasion, on 4 January 1973, the Ministry of Government through Resolution No. 002 acknowledged the Black Line as the limit of the ancestral lands of Indigenous Peoples. In 1995 the Ministry of the Interior amended the Resolution which had been published in 1973 and returned to recognize this territory as indigenous peoples of the Sierra. This latest official statement, it was with Resolution 837 of 1995.

Actuality as protection of Mother Earth in the context of what was decided by the Constitutional Court in the judgement No. 008 settled measures on the traditional and ancestral territory of peoples Arhuaco, Kogui, Wiwa and Kankuamo of the Sierra Nevada of Santa Marta in the sacred spaces of the “Black Line” and was redefined and updated its recognition in accordance with the principles and fundamentals of the Law of Origin of these four people, as well as the jurisprudence, the provisions of the Convention 169 of the ILO in 1989 and the United Nations Declaration on the rights of indigenous peoples of 2007; and some measures, mechanisms and strategies that allow effective warranty and protection were established¹⁰.

The Colombian Institute of Agrarian Reform (INCORA)—through Resolution 113 of 1974, created the **Indigenous Reservation** Arhuaca, in the medium and high area of the southern slopes of the Massif with an extension of 185,000 hectares. But from the indigenous point of view, we consider that the legal figure of the indigenous reserve did not guarantee all

¹⁰ Constitutional Court of Colombia, “Auto” No. 004 about Protection of Rights of Arhuaco Community. Bogotá. Magistrate: Manuel José Cepeda Espinosa (2009).

of our rights to the territory. For that reason, they manage to make the reserve a “Resguardo”.

With respect to the Territory as a Resguardo, the constitution of it, as a mechanism of special protection of Mother Earth and its specific elements, through Resolution 078 of 1983, that makes this area a “Resguardo”, incorporating an area of ten thousand nine hundred hectares adjacent to the South of the Reserve boundary; and in the year 1996 by Resolution 032 creates the Resguardo of Bunsichama with an area of 128 hectares, separated from the previous Resguardo, within the jurisdiction of the municipality of Pueblo Bello, a few kilometers from the town center. What throws us a total of 196.028 hectares of titled.

With the reference in the creation of the Indigenous Reserve in 1974, they believed that there was a protection of the territory inside this reserve and then, with Resolution 078 of 1983 which gives the figure of resguardo, so they believed the problem of non-intervention to the territory was solve, but that in general terms, it was not like that, there has never been a response that protect effectively the Arhuaco territory from attacks of thirds on the ancestral territory.

For this reason, and taking into account that the agreement argued that the spaces sacred within the Resguardo (to be imprescriptible, unattachable and inalienable) would be in the hands of the collectivity of the Arhuaco People, the **Black Line** of the 1973 agreement was modified in 1995, with the premise to ensure future all sites of cultural importance (sites and sacred spaces) of the traditional territory as a whole.

To this date and for the **sanitation of the Resguardo** are missing approximately 5,000 hectares. Its territory is into the hands of non-indigenous who have been for purchasing. Also, **expansion of the Resguardo** is necessary since the indigenous population continues to grow and need space and territory for their vital survival as a culture. In the last twenty years, the Government have been purchased approximately an area of 70 thousand hectares with transfers of the General System of Participation-GSP¹¹ and other sources of own resources of the Arhuaco People in expansion area.

Finally, became a redefinition of the territory for political dominance to spiritual and physical level with the geo positioning and boundary marking (See Map) and parallel to the redefinition of the territory, have been built eight (8) **indigenous communities** as a strategy of territorial occupation and

¹¹ Based on the provisions of the Political Constitution of 1991, indigenous peoples are entitled to participate in the nation's incomes, as indigenous reserves are assimilated to municipalities to receive vital resources to the satisfaction of the basic needs of these peoples.

in year 2004 was the physical enlargement of the Resguardo, but until, in the second half of the year 2013 the Colombian Institute of Agrarian Reform—INCODER only progress with the economic, social and legal study in the 70 hectares purchased by the Government and now these communities are waiting for the legal recognition as Resguardo.

For the special character and its current meaning, we introduce elements of reflection concerning the recovery of **INARWA** as part of the process of cultural and territorial recovery in the Black Line. The Cerro Inarwa or “Sheriff” is one of the sacred sites offering “payment” to the various seeds, mountains and rivers in order to maintain a balance with nature and making part of the indigenous worldview about the structure of the cosmos, which can take place at three levels connecting to nature with the social structure¹².

Inarwa is within the territory of the Black Line of sacred sites, has a role within the symbolic geography and the worldview of the Arhuacos to form part of the Sierra Nevada of Santa Marta, a mythical and geographical system in which Gonawindua—Major Hill—is the heart of the world of which depends on the balance of nature and the Sierra is the father of human beings.

The installation of a Military Base in the Inarwa Hill altered the material symbolic balance and microcosmic and macrocosmic level, the territorial relations. Consequently, the presence of the military base not only affected the indigenous autonomy as a fundamental right to self-determination, but also “the modes of transmission and reproduction of the structure of social, political and territorial organization represented in the symbolic map of hierarchical mountain ranges from the Sierra Nevada of Santa Marta”, being possible to identify some cultural impacts on the indigenous territory Arhuaco people related to the ecosystem—flora and fauna—and the risk of loss of environmental knowledge and the non-realization of payments by limiting the access of the community to the place, as well as involvement of the role of the social control exercised by the Mamos on the system of mountain ranges that are governed by the Law of Origin and symbolic speech and practical upon which is built¹³.

¹² The Constitutional Court of Colombia has recognized these Arhuaco Rights in several judgements, including the *Judgement T-005/2016 Protection of Arhuaco Community, Cerro Inarwa—Alguacil*. Bogotá. Magistrate: Jorge Iván Palacio Palacio (2016).

¹³ Mesa Cuadros, Gregorio, *Environmental Rights in the Perspective of Integrality. Concept and Foundation of New Demands and Current Resistance to the Environmental State of Law*. Bogotá: Unijus—National University of Colombia. Doctoral Thesis (2010). In Spanish, *Derechos ambientales en perspectiva de integralidad. Concepto y fundamentación de nuevas demandas y resistencias actuales hacia el Estado Ambiental de Derecho*. 1.ed (2007).

Some of the attacks to Mother Earth which constituted serious violations of the Law of Origin and principles of culture Arhuaco have with:

(1) Mining excavations, the opening of roads, removal of material streams, the diversion of the same runway, the treasure hunters breaks and demolishes the rocks.

(2) Collection of fruits, the looting of materials such as stones, sticks, herbs, species animals including insects in concentration sites bioenergetics and sources of knowledge (sacred sites), carrying out procedures and care set out in the Law of Origin. Likewise, the human presence temporarily or permanently by be restricted and exceptional, constitutes a transgression to the Arhuaco Law, provided that it is not authorized according to the principles of the Law of Origin.

(3) Burning of hills in general, and sites that it has no knowledge of cultural impact, because it means the deterioration of the signals that are the source of knowledge and ancient wisdom and the imbalance that is generated by the disappearance of multiplicity of organizations which play a vital role.

(4) Religious proselytizing Catholic, Evangelical, and all religious sect of different origin to the same spirituality of mother earth and transmitted millennia by native spiritual guides or Mamos to govern territories framed by the Black Line¹⁴.

(5) Use of intimate or personal be Arhuaco as the poporo, the hayo and clothing by non-indigenous, or failure to observe patterns emerging from ancient wisdom Arhuaco.

(6) Enforcement regimes, standards or political, economic, social, cultural, administrative or judicial procedures in the territory of the Sierra Nevada, incompatible or impersonation of the ancestral cultures.

(7) Installation in the territory, and especially in the area of influence of centers of science and traditional knowledge of appliances foreign to the natural environment, that interfere with the normal flow of vital energies, such as antennas, electronics and metal pieces.

(8) Commission of crimes, rape and attacks on the lives of the people within the territory of the Black Line.

(9) Aerial fumigations with chemical areas of the Sierra Nevada of Santa Marta, for the control of pests, eradication of crops or other purposes, under consideration of contamination of currents of air, water, and the earth itself; effects degrade the lives of humans in general, in contravention of the same original mission of being Arhuaco.

¹⁴ Constitutional Court of Colombia, *Judgement T-349/2008 Arhuaco Community and United Pentecostal Church of Colombia* Bogotá. Magistrate: Marco Gerardo Monroy Cabra (2008).

Therefore, following the Constitutional Court's judgement, we believe that burns should be minimized, controlled and subject to commitments to energy or spiritual service according to the Law of origin. Elsewhere and if necessary, extraction of material streams, is permissible in a rational manner provided that they comply with the mechanisms of mitigation and compensation for the balance according to the parameters of the Law of Origin.

Wastes and non-biodegradable industrial waste: believe that the packaging, disposable industrial products and other non-biodegradable elements of industrial origin are living signs of the entry of negative energy that permeate the food energy and disturb of the Mother Earth in general. Some of them bring with them the element fire in destructive mode therefore such materials must be returned out of the Black Line.

Life potential conservation: any form of use of natural goods involving irreversible depletion of them, is prohibited by the Law of Origin. It is not acceptable to any form of enrichment or establishment of facilities that involves a decrease in the potential for regeneration of the life of Mother Earth in a medium or long term; such is the case of the coal-mining and hydrocarbons among others.

Of natural resources, their care and use: access, use and care of the Sierra Nevada natural resources, such as water, plants, animals, rocks, sand, minerals and other elements of the territory, shall be governed according to the rules emanating from the indigenous people of the same Law of Origin. In addition to these reasons, we remember as defined by the United Nations Organization in the "Declaration of Rio on environment and development", which in its article 22 established that "indigenous peoples and their communities and other local communities, play a key role in the management of the environment and development because of their knowledge and traditional practices. States should recognize and support due to their identity, culture and interests and to ensure that they effectively participate in the achievement of sustainable development."

The regulations for use of natural goods called by majority society, natural resources: on the territory of the Arhuaco people located within the Black Line policy of environmental conservation, use and management of natural resources renewable and non-renewable, as well as the establishment of requirements for the use of the same, will continue being guided by the principles of ancestral knowledge and experiential practices concerned, under the guidance of the Mamos (depositories of knowledge) and the supervision of the Arhuaca's authorities.

On the strengthening of the ground for the resurgence of the

richness of flora and fauna: the land as a generator of life manifests his vocation to give life to certain species of animals and plants, specific for each environment. Thus, the establishment of alien species by human intervention can cause non-harmony and imbalance of the natural dynamism. The recovery of forests and in general, of the wealth of biodiversity, must be based preferably on natural regeneration of forests, without discarding the collaboration of the human hand, provided with knowledge of impact on energy balance and biotic natural, it is valued positively.

Of the primary duty of respect for the natural areas of the Sierra Nevada destination: is responsibility of each one of the families settled on the ancestral territory, identify the natural function of the spaces that make up the site, ensure use according to the nature and perform ceremonies for the permanent restoration of the balance, in accordance with the law of origin. Surveillance and control over compliance with the above-mentioned duties is in charge of the authorities and Mamos.

The sacred plant of Hayo (COCA), its use and value: the “hayo” is a sacred plant that acquired material life thanks to the strength and power of the Mamos of antiquity. Use, exclusive of the Mamos for centuries, was extended to other natives of the Sierra Nevada, under strict management, whose implementation requires a preparation and a special exercise faculty that can only give the Mamos. Use, since ancient times, is bound to encourage the processes of construction material and energy of good, and part of the intimate elements of the Arhuaco. Any form of use out of these standards, generates a breach on the energy agenda and constitutes a breach of the Basic Law Arhuacos.

VI. CURRENT THREATENING POLICIES BY THE COLOMBIAN STATE

(a) *Threats to ancestral territory:* The National Government poses two inconsistent models for the Sierra Nevada of Santa Marta, a model of conservation and other extractive that generates many prior consultations. Also, it is expected a new wave of non-indigenous settlement in the middle and lower area of the Sierra Nevada of Santa Marta and unpredictable impacts of the peace process for the indigenous territory.

(b) *Institutional and technical for the territorial management Arhuaco financial weakness:* The Colombian State does not provide the resources necessary and sufficient to effectively protect the Rights of the Arhuaco People and their institutions can develop this process in the best way¹⁵.

¹⁵ United Nations, *Declaration on the Rights of Indigenous Peoples*. New York: United Nations (2007).

CONCLUSIONS

Despite various attacks against culture, territory and the Law of Origin, by both the Colombian State as the metropolis of Spain in his time, as well as Catholic and Christian missions, several national and foreign companies, State armed forces, paramilitaries and guerrillas, the Arhuaco Indigenous People still defends life and its survival in its territory, a perspective of integrality and interdependence between the various elements that make up the Universe, Mother Earth, territory and culture Arhuacos.

This task has not been easy and has not been free of serious suffering and dangers. But we are sure that what we do is well under way because we are obeying the law of origin and are committed to continue its mandate is sacred. Our current fight is because respect for what sends the Colombian Constitution and what it says our own Constitution Arhuaco or Law of Origin. This is only possible with respect for the parties and the implementation of the agreed commitments.

We are of the idea that Mother Earth gives us the ability to understand in the world, of life, of their inter-relationships; We are his sons and his followers; so we defend a specific territory based on the ancestry of the Black Line and we propose a view that based on the care of the environment and of all existing things, contribute to the balance of life; to this end, the expansion of our reservation on the terms indicated in the Safeguard Plan and all other legal political actions that accompany it, will enable us to continue fulfilling the mandate for which we are in our territory. Many can help us in this task.