

AMAZON OF RIGHTS



AMAZONGRAPHY

Colombia

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Amazonography summary	4
Amazonography authors	6
Amazon of rights project summary	9
Research Team	9
 1 Introduction	 11
 2 Synthesis of the evolution of environmental normativities in Amazonia (19th-21th centuries)	 17
Early Developments: Environment and State Law as Derecho Ajeno	19
Bonanzas: From Rubber to Energy Transitions – Normative Responses	24
The Coca boom: From Sacred Plant to Illicit Crop (from the 1980s onwards)	32
The Emergence of the Rights of Nature in Colombia	37
 3 Ecocentric Normativities and the ‘New’ Persons of the Law	 43
Indigenous Law as Derecho Propio	45
The Territory as a Community of Life	49
Plants and invisible beings	51
Copper: a source of vital energy	53
The Ordering of the Territory from the Plant’s point of view	55
 4 Outlook and Future Scenarios	 57
La Pinta del Derecho/A Cosmo-Vision of Law: “El Pensamiento de los Mayores”	58
A Provisional Conclusion and Future Outlook	62
Credits	65

AMAZONGRAPHY SUMMARY

The report contributes an eco-centric and visual account of law in the Colombian Amazon from the vantage point of two partially connected legal regimes, namely Indigenous and State normativities, or *Derecho "Propio"* and *Derecho "Ajeno."* A normative cartography of sorts, the report traces some of the material, symbolic and normative implications of the *bonanzas* or booms that have impacted the region between the 19th and the 21st centuries. From the extraction of quinine (*Cinchona officinalis*) and rubber (*Ficus elastica*) to oil, coca (*Erythroxylum coca*) and copper, the report probes how a grabbing *ethos* has shaped Amazonian territories and normative regimes since the 19th century. From its inception within the centralist political imagination of the nation-state, the region has undergone pivotal transformations as both a cartographic object and a community of life. Similarly, said *bonanzas* have resulted in various—and often overlapping—geo-legal regimes that include, but are not limited to, "*tierras baldías*", "*territories nacionales*", private lands, and national parks to only name a few.

The *Derecho Propio* and the *Derecho Ajeno*, namely Indigenous law and State private and public law, are based on seemingly antagonistic cosmological premises. On the one hand, the classic Roman's separation between persons and things and, on the other, the constitutive interdependency of all beings as the basis of territorial governance. In probing the evolution of these territorial or geo-legal regimes, the Colombian *Amazongraphy* focuses on three legal persons that have been largely ignored by official legal historiographies at present, or even considered objects of exploitation, research, conservation, and management: 1) plants and 'invisible beings' – i.e., the spiritual owners of natural beings; 2) the territory as a community of life and 3) copper, essential in today's energy transition agendas in the country. An eco-normative proposal of sorts, the Rights of Nature approach (RoN) seems nonetheless implicated in what Rossotto Ioris has aptly described as "environmental statehood." Upon critically describing the evolution of landmark state environmental legal norms and eco-centric normativities such as the RoN, the *Amazongraphy* introduces a methodological tool to assess the limits and possibilities of the RoN approach in today's energy transition in the country: the legal ordering

of the territory with the territory. The report closes with a reflection on outlook in what it calls eco-legal sovereignties, namely a law with all the relations of the territory.



El chumbe como representación del tejido jurídico/The Chumbe Belt as the Representation of the Legal Meshwork

Left: “Chumbe ugllai sungua llajtu / “Chumbe corona del abrazo de corazón” / Photographic intervention / 90x90 cm / April 9, 2020.

Right: “Chumbe Kocha” / “Laguna de chumbe” / Photographic intervention / 90x90 cm / 2018.

Artist: Benjamin Jacanamijoy Tisoy

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SONIA PATRICIA MUTUMBAJOY HURTADO

Inga woman, originally from Putumayo, Colombia, Sonia is member of Inga-Kamënstá *Resguardo* of Mocoa. She is an active member of the *Asociación de Mujeres Indígenas Chagra de la Vida – ASOMI*. A lawyer, human rights specialist, and advocate with over 15 years of experience in providing legal advice to national and regional Indigenous organizations such as the *Organización Zonal Indígena del Putumayo–OZIP* and the *Organización Nacional de Pueblos Indígenas de la Amazonía Colombiana–OPIAC*, among others. She has co-written Indigenous Environmental Management Plans based on Traditional Ecological Knowledge and Indigenous Legal Traditions (*Derecho Propio*). Sonia has worked on the restitution of territorial rights and the protection and legal stability of Indigenous territories in southern Colombia.

BENJAMIN JACANAMIJOY TISOY (VISUAL WORK)

Inga visual artist. Benjamin's artistic name is *Uaira Uaua*, which means “son of the wind” in his people's language. Benjamin studied graphic design at the National University of Colombia, Bogotá. Since 2000, he has participated in different exhibitions in Bogota, Central America, Brazil, United States and France. He has received several distinctions, among them, the Visiting Artist Fellowship from the Indigenous Art Program, an initiative of the National Museum of the American Indian, Smithsonian Institution in Washington D.C (2004). In November 2014,

Benjamin was one of the eight nominees for the VIII Luis Caballero Award, a stimulus granted by the District Institute of the Arts (Idartes), Bogota, in recognition of his electronic intervention project in the Colpatria Tower: *Auaska Nukanchi Yuyay Kaugsaita*, or the Weaving of One's Own History. In October 2015, he was awarded an honorable mention. He has worked in the promotion and defense of cultural rights with Indigenous community-based organizations at local, regional and national levels for several years.

With the support of Tiana Doucet-Williston and Roodaba Mir, York University Law and Society undergraduate students.

A NOTE ON VISUAL WORK BY BENJAMIN JACANAMIJOY TISOY

Andean-Amazonian territories are a true source of Andean-Amazonian law. To support this claim, the Colombian *Amazonography* features samples of the vast visual work by Indigenous Inga artist Benjamín Jacanamijoy Tisoy (*Uaira Uaua*, Son of the Wind). They provide a critical and timely visual perspective at the interface between Indigenous cosmologies, territories and the legal regimes of this region. Like living streams, three interconnected threads flow across Benjamin's artwork: 1) the ecological and spiritual dimensions of Andean-Amazonian territories; 2) the link between territories as "places of life and thought" ("*lugares de vida y pensamiento*")¹ and territorial governance: forests' beings are socio-political agents as much as they're spiritual selves. Finally, 3) Benjamin's work offers a visual account of fundamental aspects of Indigenous Law - *Derecho Propio* - that are often ignored by Western legal theories and historiographies, namely, its profound ecocentric and relational dimensions. To remedy this relative indifference in legal historiography, these images offer interpretive cues around the profound socio-ecological impacts of extractive economies in the Andean-Amazonian region, as well as the normative responses to address them over time (i.e., the Rights of Nature).

1. Benjamín Canamijoy Tisoy.
"Sumaj ruray kilkaipa chumbe suyu
/ El arte de escribir en chumbe."
Boletín Cultural y Bibliográfico 58,
no. 107 (2024): 50–65.
https://publicaciones.banrepcultural.org/index.php/boletin_cultural/articulo/view/22333

We highlight three patterns of pivotal conceptual weight in our argument: living territories are veritable sources of Andean-Amazonian law. First, the *vegetal circularity* that captures the multidimensionality of both 'territory' and 'governance'; second, the *overlapping of living forms* that speak to the complex material and spiritual legal cartographies at play in the Colombian Amazon; and finally, the *dynamic representations* of territorial beings as political agents in their own right. Taken together, Benjamin's visual oeuvre constitutes a visual palimpsest of Andean-Amazonian legal sources in times of planetary urgency.

To cite this report (Amazonography)

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AMAZON OF RIGHTS PROJECT SUMMARY

The Amazon of Rights project explores how eco-centric normativity interacts with social realities in the Amazon River system, a critical ecosystem of global importance. Using comparative law and visual ethnographic methods, particularly documentary film, as socio-legal research tools, the project examines the legal status of the Amazon River as a subject and object of rights across different jurisdictions. It investigates how eco-centric norms shape and are shaped by the social practices and legal imaginations of local communities, Indigenous Peoples, activists, and legal practitioners. While Rights of Nature have been celebrated as a new eco-centric legal paradigm rooted in Indigenous cosmologies, local variations in normative understandings and practices remain underexplored. The project aims to capture this plurality of eco-centric normative orders, both within state-recognized frameworks like constitutions and case law, and in non-state, community-based practices that involve more-than-human entities.

For more on the project: amazonofrights.com

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1

INTRODUCTION

The Colombian *Amazongraphy* contributes an eco-centric and visual account of Amazonian normativities in Colombia from the vantage point of two partially intertwined regimes of legal meaning,² namely, Indigenous law,³ or *Derecho Propio*, and State law, or *Derecho Ajeno*. A legal cartography of sorts, the *Amazongraphy* traces the material, symbolic and normative transformations resulting from the bonanzas or booms in the Colombian Amazon, i.e. extractive ventures that have shaped national and global markets since the 19th century.⁴ From the extraction of quinine (*Cinchona officinalis*) and rubber (*Ficus elastica*) to coca leaves (*Erythroxylum coca*); from animal skins and wild fauna to traditional knowledge;⁵ and from oil and timber to copper and other metals, a pervasive extractivist *ethos* has shaped Amazonian territories, public representations and normative systems alike for centuries.⁶

Ever since its inception within the centralist political imaginary of the nation-state,⁷ the Colombian Amazon has undergone successive changes as an object of cartographic description, as well as an object of environmental conservation, biodiversity regulation,⁸ and even as a subject of rights.⁹ These transformations nonetheless elude accurate textual and even visual representation; for example, how can we represent the impacts of such *bonanzas* on the spiritual and numinous dynamics of forest life?

From the *Leyenda del Dorado* to 21st century conservationist imaginaries,¹⁰ the Colombian Amazon is not only a mosaic of complex ecological and cultural differences, but also of overlapping—and often clashing—normative regimes. Indeed, these *bonanzas* have constituted legal orderings and cartographic imaginaries that include, but are not limited to, the doctrines of *terra nullius* or *tierras baldías*¹¹—a legal doctrine whereby colonial and private hands lay claim over seemingly unoccupied lands— private land ownership, *territorios nacionales*,¹² and national parks¹³ to name a few often-parallel territorial and normative regimes.

Critical works on the environmental history of the region have described these regimes in detail. For example, environmental historian and lawyer German Palacio studies key aspects of the transformation of the Colombian landscape—in both its material and symbolic dimensions—since the middle of the nineteenth up until the third decade of the twentieth century. In *El Papel del Derecho en el Cambio Material y Simbólico del Paisaje Colombiano, 1850-1930*, Palacio analyses the private and the public property of land in post-independentist

2. See Anker, Kirsten. “Law As... Forest: Eco-logic, Stories and Spirits in Indigenous Jurisprudence.” *Law Text Culture* 21 (2017): 191–213.

3. On Indigenous legal systems, see Perafán, Carlos. *Sistemas Jurídicos Tukano, Chami, Guambiano y Sikuani*. Bogotá: ICANH, 2000.

4. Palacio Castañeda, Gonzalo. “El papel del derecho en el cambio material y simbólico del paisaje colombiano, 1850–1930.” *Revista Pensamiento Jurídico* 25 (2009): 91–116.

5. De la Cruz, Rodrigo, Gabriel Muijuy Jacanamijoy, Alfredo et al. *Elementos para la protección sui generis de los conocimientos tradicionales colectivos e integrales desde la perspectiva indígena*. Caracas: Secretaría General de la Comunidad Andina, 2005.

6. Ibid, Palacio Castañeda, 2009.

7. Serje, Margarita. *El revés de la nación: Territorios salvajes, fronteras y tierras de nadie*. Bogotá: Ediciones Universidad de los Andes, 2005.

8. Colombia. Ley 99 de 1993.

9. Corte Constitucional de Colombia. Decisión T-622/2016 [Colombia]. November 10, 2016; Corte Suprema de Justicia de Colombia. Decisión STC 4360-2018 [Colombia]. April 5, 2018.

10. Ulloa, Astrid. *La Construcción del Nativo Ecológico: Complejidades, Paradojas y Dilemas de la Relación entre Movimientos Indígenas y el Ambientalismo en Colombia*, Bogotá, 2004.

11. On baldíos see, <https://www.dnp.gov.co/LaEntidad/subdireccion-general-prospectiva-desarrollo-nacional/direccion-desarrollo-rural-sostenible/Paginas/regimen-de-baldios.aspx>

12. *Territorios Nacionales de Colombia*: peripheral regions of the country with a special regime. See González, Luis Miguel. “Conocimiento y control en los confines del territorio nacional: hacia la construcción de un saber territorial, 1850–1950.” *Historia y Sociedad* 19 (July–December 2010): 123–42.

13. See Leal, Claudia. “National Parks in Colombia.” *Oxford Research Encyclopedia of Latin American History*, March 26, 2019. Accessed May 30, 2025.

Colombia.¹⁴ The Civil Code of 1873, particularly the institution of private property, became the legal dimension of a crucial material transformation of the Amazonian landscape from “empty wastelands” or *baldíos* to

“habitable productive lands.”¹⁵ The *tierras baldías* (public lands without legal private owners) of the Amazonian plains became the object of desire of colonial expansion. Their matter—living and not—mattered for the nation in the decades to come.¹⁶

The Colombian *Amazonography* distinguishes between two kinds of law running parallel over time, when not “mutually translating” each other;¹⁷ we call them *Derecho Propio* and *Derecho Ajeno*, or Indigenous law and State private and public law. These legal orders are based on seemingly antagonistic cosmological premises. On the one hand, the separation between persons and things embedded in the Civil Code of Andres Bello—a replica of the French Civil Code of 1804¹⁸—and, on the other hand, the constitutive interdependency of all beings as the basis of territorial governance. Although the notion of *property* is not foreign to Indigenous *ordenamiento territorial* (land planning) in the Colombian Amazon¹⁹ in the region, it is *collective* property that guides the colonial *resguardo*²⁰ and thus profoundly differs from its individualistic conception of the Civil Code. The notion of private property is at the basis of this pervasive extractivist *ethos* and, therefore, determines the center-periphery relations between the Amazonian *tierra caliente* (hot lands) and its temperate Andean counterparts.²¹

In accounting for the normative change of the region across successive *bonanzas* or boom economies, we start our visual journey of Amazonian law with a (2) **Synthesis of the Evolution of Environmental Normativities in Amazonia** (*historical and legal context*) where we present a condensed synthesis of the vast transformation of environmental and eco-centric normativities in the region between the 19th and the 21st centuries. This section includes (a) Early Developments: Environment and State Law as *Derecho Ajeno*; (b) *Bonanzas*: from Rubber to Energy Transitions, and (c) The Emergence of the Rights of Nature in Colombia where we discuss landmark judicial decisions in the region, including the declaration of the Amazon Basin as a legal person and subject of rights.²² Whereas (a) and (c) are integral to state law and often find deep-seated roots in Indigenous legalities²³ and cosmologies, the emergence and mobilization of eco-centric law is part and parcel of the

14. Ibid, Palacio Castañeda, 2009.

15. Palacio Castañeda, Germán. *Civilizando la tierra caliente: La supervivencia de los bosquesinos amazónicos, 1850–1930*. Bogotá: ASCUN, 2004..

16. Ibid, Serje, M., 2005.

17. De la Cadena, Marisol. *Earth Beings: Ecologies of Practice Across Andean Worlds*. Durham, NC: Duke University Press, 2015.

18. The Code Napoleon: or the French Civil Code. Literally Translated from the Original and Official Edition, Published at Paris, in 1804. By a Barrister of the Inner Temple. London: William Benning, 1827; Botero, Andrés. “The Civil Code of Andrés Bello and the Exegetical Movement in Colombia.” *Revista Jurídica Mario Alario D’Filippo* 14, no. 27 (2022): 47–65.

19. Vieco, Juan, Carlos Franky, and Juan Echeverri. *Territorialidad indígena y ordenamiento en la Amazonia*. Bogotá: Universidad Nacional de Colombia, 2002; Ochoa-Arango, Rodrigo. *Propuestas sobre el ordenamiento territorial indígena en Colombia*. Accessed April 9, 2025.

20. Lopera, Gloria. “We Have the Land Titles: Indigenous Litigants and Privatization of Resguardos in Colombia, 1870s–1940s.” PhD diss., Florida International University, 2021. FIU Electronic Theses and Dissertations 4717.

21. Ibid., Palacio Castañeda, 2009.

22. Colombia. Corte Suprema de Justicia. Sentencia STC 4360. April 5, 2018.

23. Vargas Roncancio, Iván Dario, and Hernando Chindoy Chindoy. “Indigenous Legalities.” In *Earth Law: Emerging Ecocentric Law. A Practitioner’s Guide*, edited by Anthony Zelle, Grant Wilson, Robert Adam, and Herman Greene. Aspen Coursebook Series. New York: Wolters Kluwer, 2021.

reconstruction and synthesis. The *bonanzas* and their physical, symbolic and normative impacts in the region constitute the material premise of our reconstruction. We discuss several bonanzas throughout the 19th – 21st centuries, and the ensuing transformations of the *Derecho Propio* and *Ajeno* in each one of them. In **(3) Ecocentric Normativities and the New Persons of the Law** (*the Amazon in the Colombian – plural – legal system*), we focus on three legal persons that have been ignored by official legal historiographies at present, or else considered as objects of exploitation, research, conservation and management: (a) plants and “invisible beings”; (b) the territory as a community of life and (c) copper, essential for the energy transition plans of the Colombian State today. An eco-normative proposal partially connected to the expansive extractive frontier in the region, the Rights of Nature approach (RoN) is integral to what Rossotto Ioris has described as “environmental statehood”.²⁴ Upon describing the evolution of State environmental norms and eco-centric normativities such as RoN, the *Amazonography* closes with a reflection on **(4) Outlook and Future Scenarios** in what we call eco-legal sovereignties: towards a *new* law with all the relations of the territory.

24. Rossotto Ioris, Augusto. *The Political Ecology of the State. The Basis and the Evolution of Environmental Statehood*. NY: Routledge, 2014.



El territorio como espacio de interrelación de seres y saberes/The Territory as the Space of Inter-relations of Beings and Knowleges

“Uagra sacha vinankuna chagra suyu” / “Danta en un lugar de la chagra de vinanes” / Acrílico sobre lienzo / 30x50 cm / 2006.

Artist: Benjamin Jacanamijoy Tisoy

Presence of springs, spiritual places, owner and lord of the tapir's domain.

Everything is Indigenous territory: from Alaska to Patagonia. Without borders.

Benjamin Jacanamijoy, June, 2025. In conversation with the artist.



2

SYNTHESIS OF THE EVOLUTION OF ENVIRONMENTAL NORMATIVITIES IN AMAZONIA (19TH- 21TH CENTURIES)

In the context of this report, we use the expression “*Derecho Ajeno*” as a state counterpoint to “*Derecho Propio*”, or Indigenous Law. We argue that *Derecho Ajeno*, or State Law, is dominant and tends to displace or marginalize *Derecho Propio*, that is, it tends to push Indigenous Law to the margins of the state and thus render *Derecho Propio* a marginal source of environmental governance in Amazonia. At the same time, the expression *Derecho Ajeno* alludes to the right-of-the-other imposing a limit to the exercise of my-own-right. However, for the purposes of this *Amazonography*, we leave this second meaning aside. The “alienness” (*ajenidad*) of State law stems from its failure to effectively integrate a communitarian and territorial logic²⁵ into its own regulatory frameworks, which renders the law “foreign” or “strange” to this logic indeed (*ajena*). Or else, how is it possible to regulate local reality with norms foreign to the reality they purport to regulate? Nevertheless, state Law and Indigenous Law, which, for our purposes, we classify as *Derecho Ajeno*, or Alien Law, and *Derecho Propio*, or Our Law, are partially connected: *Derecho Ajeno* includes Indigenous law into the state logic, for example, through the constitutional recognition of ethnic difference. Yet, such an inclusion can be problematic because it insists on the marginalization of *Derecho Propio* thus reducing it to a mere icon or symbolic emblem of community autonomy.

Before discussing landmark examples of eco-centric normativities as an expression of *Derecho Propio* in the Colombian Amazon, we present a synthesis of environmental legislation as an expression of *Derecho Ajeno* in this region. However, this classification does not portray a dualistic motive. Quite the contrary, *Derecho Ajeno* advocates for eco-centric normativities as well; for example, the Rights of Nature are enshrined in constitutions and adjudicated in courts.²⁶ For the purposes of this tentative typology, the degree of alienness or better yet, *state-ness*, of the Rights of Nature signals a credible risk: a state cooptation of eco-centric discourse at the expense of its necessary communitarian and territorial logic in contexts of extractivism.²⁷ This logic can be expressed as follows: living and cognitive territories govern themselves thus expanding the law beyond the human.²⁸ To be sure, a non-state eco-centric normativity recognizes living territories as veritable sources of law over and above the Constitution of the Modern State. We’ll address this issue in the third part of the report.

25. A logic according to which a living and cognitive territory governs itself.

26. For a synthesis of the rights of nature in Colombia see: Harmony with Nature: Rights of Nature. United Nations. Accessed September 12, 2025. <http://www.harmonywithnatureun.org/rightsOfNature/>; Eco Jurisprudence Monitor: Iniciativas Colombiana Amazónica. Accessed September 12, 2025. <https://ecojurisprudence.org/es/iniciativas/colombiana-amazonica/>

27. González-Serrano, María Ximena. “Rights of Nature, an Ornamental Legal Framework: Water Extractivism and Backbone Rivers with Rights in Colombia.” *The Journal of Peasant Studies* 52, no. 2 (2024): 322–42.

28. Vargas Roncancio, Iván Dario. *Law, Humans and Plants: The Lawness of Life*. New York: Routledge, 2024.

EARLY DEVELOPMENTS: ENVIRONMENT AND STATE LAW AS DERECHO AJENO

From an object of desire to a subject of rights, the Colombian Amazon has undergone the subjugation of differing systems of power, often prioritizing anthropocentric notions of dominion over nature for economic development. As such, the environmental laws in the Colombian Amazon have evolved over decades to address the region's unique ecological and cultural characteristics and challenges. The Constitution of 1886 made a few, if minor, references to environmental protection, focusing primarily on land and property rights.²⁹ Environmental governance was, indeed, generally limited. Towards the early 1930s, the Forests Law of 1932 recognized the importance of conserving Colombia's forests. However, this statute lacked specific governance mechanisms to protect the Amazon's diverse ecosystems. The introduction of the National Parks System in the early 1960's began a pivotal shift in the state's relation to its frontier territories such as the Amazon (*territorios de frontera*) bio-culturally rich and yet largely under protected.³⁰ Continuing this shift, in the 1990s Colombia began to take more significant steps to address environmental degradation and conservation in the Amazon. However, much of these developments remained fueled by fear of depleting resources rather than protecting the environment for its own sake. That is until the Colombian Courts began to rule otherwise (1991 onwards).^[34] The scope of this historical synthesis is limited and focuses on key environmental laws and policies, and the underlying normative contexts that have contributed to environmental governance in the region.

A student-led movement replaced the previous Constitution and brought the Constitution of Colombia of 1991 to fruition.³¹ Often called the Ecological Constitution for the representation of the country's rich diversity of life, cultures and languages, it is the foundation for eco-centric legislation and jurisprudence in the country.³² The Constitution makes strides by asserting that all individuals have a right to enjoy a

29. Colombia. Constitución Política de la República de Colombia. Bogotá, 1886; Green Loop. "Thirty Years of the Green Constitution." 2021. Accessed September 12, 2025. <https://green-loop.com/eng/sin-categoria/thirty-years-of-the-green-constitution/>

30. Leal, Claudia. "National Parks in Colombia." Oxford Research Encyclopedia of Latin American History, March 26, 2019. Accessed May 17, 2025. <https://oxfordre.com/latinamerican/history/view/10.1093/acrefore/9780199366439.001.0001/acrefore-9780199366439-e-337>

31. Green Loop, 2021, *Thirty years of the Green Constitution*. Accessed: <https://green-loop.com/eng/sin-categoria/thirty-years-of-the-green-constitution/>

32. Ibid., Green Loop, 2021.

33. Colombia. Constitución Política de Colombia. Bogotá, 1991. Articles 1, 7, 63, 79, 80, 330

34. Colombia. Constitución Política de Colombia. Bogotá, 1991. Articles 1, 7, 63, 79, 80, 330

Indigenous communities and their right to ancestral territories, guaranteeing their cultural rights.³⁵ This law has a special bearing in Amazonia.

However, the attainment of these rights exists within a larger historical backdrop of land occupation. Though the Constitution grants Indigenous reserves (*resguardos*) control and management of land, the titling of these lands (recognition of rights) hinge on the State to distribute at its discretion.³⁶ Beginning with the Spanish colonial system which disproportionately concentrated the ownership of land to a few elites, State-led norms of dominion over land fueled social unrest and conflict leading to land dispossession and forced displacement of many living in rural areas, especially Indigenous peoples.³⁷ Incentivized by economic gains, these land disputes often also brought an influx of unregulated or illegal mining causing further damage to these areas.³⁸ The impacts of this conflict received institutional recognition with Law 1448 of 2011 aimed at the restitution of land for the victims of this conflict.³⁹ However, the redistribution of land (still at the discretion of the State) remains muddled by the corruption and lack of prior cadastral information.⁴⁰ The notion of ‘ownership’ and management of land leave anthropocentric (often colonial) fingerprints marked on much of the country’s environmental legislation – at a glance invisible, but can always be retraced.



Territorios Baldíos-Territorios ancestrales/Terra Nullius-Ancestral Territories“
Tukuykunapa jatun alpa suyu / “Territorio de todos” / Intervención fotográfica / 50x70 cm / 2018.
Artist: Benjamin Jacanamijoy Tisoy

35. Colombia. Ley 21 de 1991. Bogotá, 1991. Colombia. Constitución Política de Colombia. Bogotá, 1991. Articles 1, 7, 63, 330.

36. Colombia. Constitución Política de Colombia. Bogotá, 1991. Articles 1, 7, 63, 330; The Amazon Conservation Team. Legalization of Indigenous Territories in Colombia: Advances in the Consolidation of Biocultural Corridors. Accessed April 22, 2025. <https://www.amazonteam.org/maps/colombia-land-rights/en/index.html>

37. Parra, María Sofía. “The Importance of Land Due Diligence in Colombia.” FTI Consulting, 2024. Accessed April 22, 2025. <https://www.fticonsulting.com/insights/articles/importance-land-due-diligence-colombia#:~:text=The%20agrarian%20reform%20under%20President, challenges%20to%20the%20reform's%20success>

38. Ibid, Parra, M.S, 2025.

39. Colombia. Ley 1448 de 2011. Diario Oficial 48.096 (June 10, 2011).

40. Ibid, Parra, M.S, 2025.

Wasteland does not exist: there is no such thing as wasteland. Wasteland is supposed to be no man's land, but in reality it is Indigenous territory. The land belongs to everyone.

B.J., June 2025. In conversation with the artist.

Following the Constitution, Colombia took initiative to focus on legislation oriented towards conservation. Carrying out State duty to protect the environment, the Ministry of the Environment of Colombia was established under Law 99 of 1993, to formalize and allow for natural resources to have higher ranking within public administration.⁴¹ This was especially important for Amazonian territories. The Ministry is responsible for promoting the development and use of non-polluting and non-degrading energy systems in place of non-renewable natural resources. Law 99 of 1993 also sets the requirement for environmental licenses that must be administered to any projects, such as the construction of dams or mining ventures, that may affect the environment.⁴² In the following year, Law 165 of 1994 ratified Colombia's signing of the international treaty, The Convention on Biological Diversity, seeking conservation and sustainable use of biological diversity.⁴³ The Convention also highlights Indigenous and ethnic communities relationality with nature as fundamental to the conservation of biological diversity.⁴⁴ As such, the Ministry of the Environment established the Colombian National Parks Administrator: The National System of Protected Areas, or SINAP (*Sistema Nacional de Áreas Protegidas*), a set of protected areas, public, private, and community governed (*resguardos*), with social actors enforcing management strategies and policies, working together to achieve the objectives set out by the Convention.⁴⁵ Further, Decree 1498 of 2008 determines that natural forests and protected areas may not be cleared for commercial forestry or agroforestry, which is regulated through registration requirements of said crops through the appropriate ministries.⁴⁶ Conservation efforts also sought to address energy usage and promote the use of alternative energy systems that are environmentally sustainable such as solar, wind, geothermal, biomass, and hydropower.⁴⁷ The Program for the Rational and Efficient Use of Energy and Other Non-Conventional Forms of Energy (PROURE) was established to implement programs that ensure compliance.⁴⁸

Though legislation on conservation has, and continues to highlight the importance of protecting nature, the impetus is as a resource to be used and consumed by humans, not for the benefit of the Amazon itself.

41. Secretariat of the Convention on Biological Diversity. Colombia Biodiversity: National Regulations and Policies. Accessed September 12, 2025. <https://co.chm-cbd.net/implementation/legislation>

42. Agencia Internacional de Energía (AIE) and Agencia Internacional de Energías Renovables (IRENA). "Ley General Ambiental – Ley 99." Base de datos de políticas y medidas, 2017.

43. Ibid., Agencia Internacional de Energía, 217.

44. Colombia. Constitución Política de Colombia. Bogotá, 1991. Article 5.19.

45. GOV.CO. Sistema Nacional de Áreas Protegidas – SINAP. 2025. <https://old.parquesnacionales.gov.co/portal/es/sistema-nacional-de-areas-protegidas-sinap/>

46. Colombia, Decreto 1498 de 2008.

47. Colombia, Ley 697 de 2001.

48. Colombia, Ley 697 de 2001.

Further, it developed concurrently with legislation that permits exploitation largely undercutting much the potential for ecological advancements as laid out in the previous section.

Sustainable development is a buzzword that infiltrates much of the legislation geared towards conservation, which allows for economic development through natural resource extraction with special provisions – walking the line between conservation and extraction. This plays out most with the Mining Code, regulating the relationship between the State and individuals at all stages of mining and is primarily facilitated through the issuing licenses in accordance with the Environmental Impact Assessment (EIA) of Decree 1076 of 2015.⁴⁹ Included in this process is the right to free prior informed consent of the Indigenous and ethnic communities' whose rights may be impacted by such development projects. Further, they have the right to participate in development planning and have a right to incentives gained from the use of resources.⁵⁰ This supports the notion of “green growth” put forth by The National Development Plan as a means to building an equitable Colombia.⁵¹ Sustainable development is further facilitated by the Decree 2106 of 2019 which modifies and simplifies procedures in the public administration as it relates to environmental matters.⁵² However, tucked neatly between these folds are loopholes that provide the State the power to approve projects regardless if consent is granted or not.⁵³

As the Constitution places the State as the sole, permanent owner of all non-renewable natural resources within the national territory, national interest projects have the ability to take precedence in Indigenous territories.⁵⁴ The notion of sustainable development highlights the paradox between environmental protection and economic development that run through Colombia's legal system, often relaying norms of colonial land occupation and ownership to subdue Indigenous rights.

49. Colombia, Ley 685 de 2001; Colombia, Decreto 1076 de 2015.

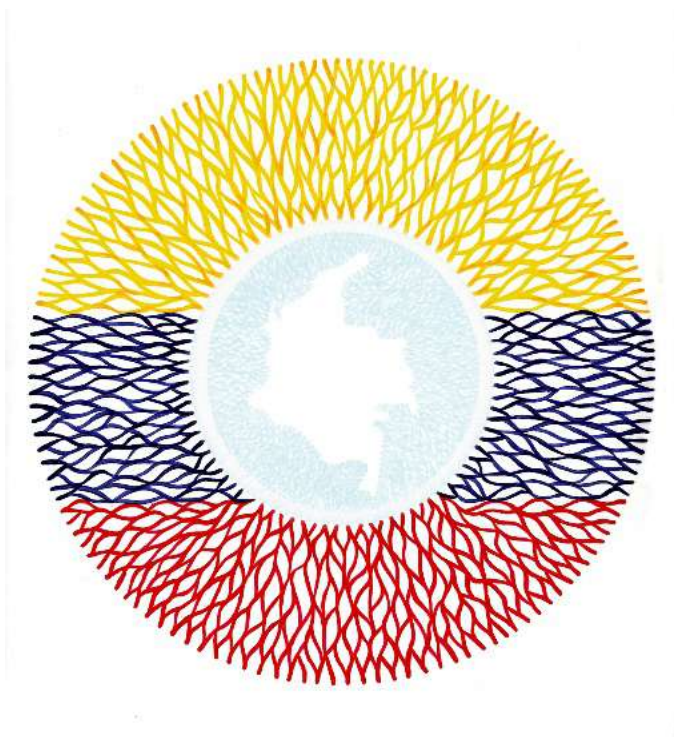
50. Colombia, Corte Constitucional. Sentencia T-388/13, 2013.

51. Colombia. Ley 1955 de 2019. UICN CPAES, Derechos a la tierra, conservación y paz en la Amazonía colombiana, 2016. Accessed September 12, 2025. https://iucn.org/sites/default/files/2022-06/tger_colombia-english-02-07_final.pdf

52. Colombia. Decreto 2106 de 2019. Brigard Urrutia. “Decreto 2106 de 2019 modifica y simplifica los trámites ambientales.” Accessed September 12, 2025. <https://www.bu.com.co/en/insights/noticias/decreto-2106-2019-modifies-and-simplifies-environmental-procedures>

53. Colombia. Decreto 1076 de 2015.

54. Colombia. Ley 685 de 2001, arts. 5, 7. See ICUN CEESP, Derechos a la tierra, conservación y paz en la Amazonía colombiana, 2016. https://iucn.org/sites/default/files/2022-06/tger_colombia-english-02-07_final.pdf



Derecho Ajeno o Derecho Estatal/Alien Law or State Law

Left: "Auaska suyu" / "En un lugar entretejido" / Dibujo en acuarela e intervención fotográfica / 90x90 cm / 2010.

Right: "Sujkunapa suyu" / "En un lugar de otros" / Intervención fotográfica / 90x90 cm / 2020.
(Protocolos autonómicos de consulta y consentimiento en pueblos indígenas - Parte III – IWGIAtube).

Artist: Benjamin Jacanamijoy Tisoy

Some images were created with these themes in mind, but there are earlier images that coincide with this exercise. As an artist, one thinks about one's people, but everything is connected. Colombia is also a place interwoven with many things: the thoughts of its people, its territories, and this is something we are sometimes unaware of. A tribute to the coca leaf and cassava.

B.J., June 2025. In conversation with the artist.

BONANZAS: FROM RUBBER TO ENERGY TRANSITIONS - NORMATIVE RESPONSES

The Colombian Amazon, a region of immense natural and cultural wealth, has been the scene of several “*bonanzas*” driven by the exploitation of natural resources, which have left deep scars on both the land and its people. Although the term “boom” refers to a period of prosperity or abundance and suggests an improvement in people’s well-being or quality of life, this has not been the case. While they created short periods of high economic activity, they have been marked by exploitation, slavery, torture, and extermination, especially for Indigenous peoples.⁵⁵

The first major boom in the region began with the extraction of quinine in the 19th century. Quinine, which came from the bark of the cinchona tree, was in high demand for treating malaria. This led to the overexploitation of cinchona trees in the Amazonian forests and created new trade networks. After this boom collapsed, the rubber boom was next.

55. Echeverri, J. A. “Canasto de vida y canasto de las tinieblas: memoria indígena del tiempo del caucho.” In *El aliento de la memoria: Antropología e historia en la Amazonia*, edited by F. Correa Rubio, J.-P. Chaumeil, and R. Pineda Camacho, 471–484. Bogotá: Universidad Nacional de Colombia, 2013; Echeverri, J. A., ed. *Fééne fíívo játyime iyáachimihai jíínije – Territorio primordial de vida de la descendencia del Centro: Memorias del territorio del Pueblo Fééneminaa Gente de Centro*. Puerto Santander (Amazonas): Comunidad Chukiki, Resguardo Predio Putumayo; Comunidad de Villa Azul, Resguardo Nonuya de Villa Azul, 2016.



Extractivismo de Plantas/Plants' extractivism

"Chagra vinankuna suyu" / "En un lugar de la chagra de vinanes" / Intervención fotográfica / 90x90 cm / 2019.

Artist: Benjamin Jacanamijoy Tisoy

Between 1850 and 1930, the Amazon became an important place for rubber extraction, especially along the Putumayo River.⁵⁶ The rubber exploitation system in the Colombian Amazon was characterized by extreme cruelty and dehumanization. Companies such as *Casa Arana* used Indigenous labor in violent and inhumane conditions to collect rubber.⁵⁷ Testimonies from the period, such as those collected by British consul Roger Casement, revealed the magnitude of the horror, describing a systematic genocide of Amazonian Indigenous peoples who were decimated by violence, the spread of disease, and forced labor. Religious missions often accompanied the expansion of rubber, imposing Catholicism and suppressing Indigenous cultures and spiritualities.⁵⁸ This period was characterized by the absence of environmental and human rights frameworks to curb exploitation and violence, as rubber extraction took priority at any cost. Although there were few regulatory developments, such as Law 89 of 1890, Indigenous peoples were classified as "savages" (soulless beings) who needed to be "brought into civilized life."⁵⁹

56. Ibid., Echeverry, J.A. 2013.

57. BBC News Mundo. (2022, 26 de agosto). El Paraíso del diablo: las atrocidades del "holocausto del caucho" en la Amazonía de Colombia. Recuperado de <https://www.bbc.com/mundo/noticias-america-latina-60922508>

58. Bonilla, Víctor. Siervos de Dios y amos de indios: el Estado y la misión capuchina en el Putumayo. Popayán: Universidad del Cauca, 1968.

59. Colombia. Congreso de la República. Ley 89 de 1890. Por la cual se determina la manera como deben ser gobernados los salvajes que vayan reduciéndose a la vida civilizada. Diario Oficial, no. 8.423, November 25, 1890.



Bonanza del caucho/Rubber Boom

"Kawchu pangakuna suyu" / "En un lugar de hojas de caucho" / Intervención fotográfica / 90x90 cm / Mayo de 2025

Artist: Benjamin Jacanamijoy Tisoy

Rubber was called "cauchusca"—it means "to wrap." I tried to give it a Quechua title first. A Quechuaism: there are many throughout America. When I made this image, I remembered meeting an artist who surprised me: the weaver. He told me he was of Huitoto origin, but his surname was "yaguarkani" (Kichwa), and his parents were exploited. Do you know what his surname means? His surname means "I am blood." In a place of rubber leaves, it makes me think of all those things. All the exploitation, all the discrimination.

B.J., June 2025. In conversation with the artist.

In the mid-1900s, the Colombian government and foreign investors shifted their attention to oil and minerals. The history of oil exploitation in this region dates back to the beginning of the 20th century, with the first concessions granted in 1905, and explorations carried out by companies such as Pure Oil Company and Sinclair Exploration Company in 1922. This period not only involved hydrocarbon extraction but also triggered territorial reconfiguration and colonization processes in the Colombian Amazon, especially in Putumayo and Caquetá. The extractive activity created a "call effect" for thousands of peasants and settlers

coming from other regions of the country, mainly from the south of Colombia, who saw in the Amazon an opportunity to access “baldíos” – empty lands – and start a new life. Oil companies facilitated access to the forest interior by building roads, trails, and establishing camps.⁶⁰

60. Centro Nacional de Memoria Histórica (CNMH). Petróleo, coca, despojo territorial y organización social en Putumayo. Bogotá: CNMH, 2013.

<https://www.centrodememoriahistorica.gov.co/descargas/informes2016/petroleo/petroleo-coca-despojo-territorial.pdf>



Colonización del territorio amazónico/The Colonization of the Amazonian Territory
“Jatun sachamanda uambra runa” / “Joven de la selva grande” / Intervención fotográfica / 50x50 cm / Diciembre de 2012 (En el libro “Cartilla pedagógica / Cambio climático, REDD+ y Derechos de las Comunidades / Amazonía / Fundación Mujer, Tejer y Saberes MUTESA).
Artist: Benjamin Jacanamijoy Tisoy

“That little savage” is a composition: the human being handed over to others: “atun sachuku”: young man from the great jungle. We humans consider ourselves more powerful than other beings in the territory. We are just like other beings: in the same situation. Humans are fragile. Some hands want to give everything away to others: a signature is just that: the surrender of everything. If an authority signs, now with all those protocols: we shake hands, but the other person is thinking about what is convenient for them.

B.J., June 2025. In conversation with the artist.

At the same time, the massive arrival of settlers clashed against the ancestral rights of Indigenous peoples over their territories. The lack of clear territorial planning and the failure to recognize Indigenous territorial rights led to the allocation of “unused land” that was, in fact,

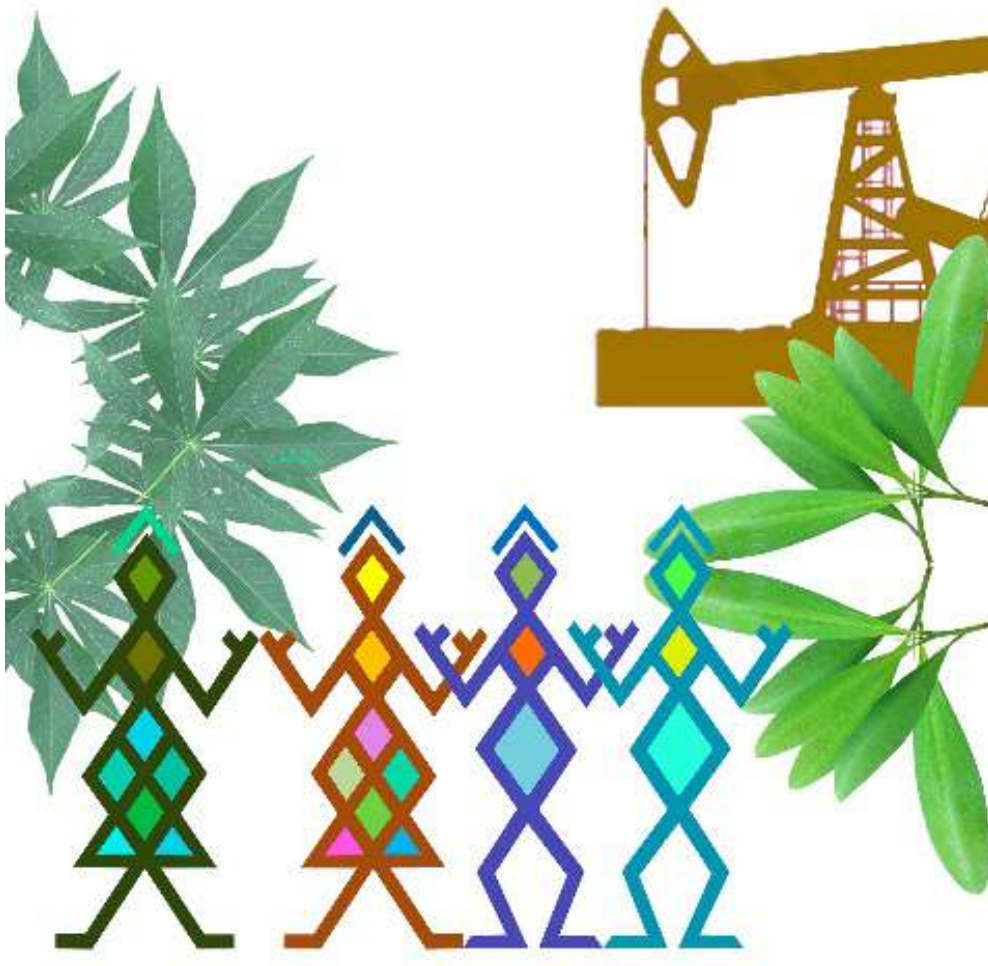
ancestral territory, thus exacerbating land conflicts.⁶¹ One of the most critical impacts of this boom is the contamination of water sources. Cases have been documented in which entire rivers or numerous streams in Putumayo are contaminated with crude oil and heavy metals such as cadmium, arsenic, and lead. The Siona, Inga, and Kofan peoples, among other Indigenous communities, have reported that their water “tastes like oil,” that fish have decreased in size and flavor, and that they can no longer drink it.⁶²

Colombia did not yet have a unified or explicitly environmental legal framework in the modern sense. Laws focused more on regulating property, exploitation, and resource contracts, paying little or no attention to environmental impacts. As the oil industry grew and its environmental impacts became more evident (particularly from the 1970s onwards), the oil sector was progressively incorporated into and subjected to an increasingly strict environmental legal framework, starting with the 1974 Natural Resources Code.⁶³ The Code included specific provisions on water use in oil exploration and exploitation to prevent soil and groundwater contamination. Similarly, Law 99 of 1993 established environmental licensing as a prerequisite for projects that could cause significant environmental damage, including hydrocarbon exploration and exploitation, and introduced a mandatory investment (or water use fee) of 1% for the recovery, preservation, and conservation of the watershed that feeds the water source used by the project.

61. Molano Bravo, Alfredo. *Selva Adentro: Una expedición literaria al corazón de la Amazonia colombiana*. Bogotá: Penguin Random House Grupo Editorial, 2018.

62. Rutas del Conflicto. “Manchados por el petróleo: un historial de derrames, impunidad y abusos en la Amazonía de Perú, Colombia, Ecuador y Bolivia.” April 19, 2022. <https://rutasdelconflicto.com/notas/manchados-el-petroleo-historial-derrames-impunidad-abusos-la-amazonia-peru-colombia-ecuador>

63. Presidencia de la República de Colombia. Decreto Ley 2811 de 1974: Por el cual se dicta el Código Nacional de Recursos Naturales Renovables y de Protección al Medio Ambiente. Diario Oficial No. 34.243, December 18, 1974.



Bonanza petrolera/Oil Boom

"Samai suyu" / "En un lugar espiritual" / Dibujo electrónico e Intervención fotográfica / 90x90 cm / 2020. (Protocolos autonómicos de consulta y consentimiento en pueblos indígenas – Parte III – IWGIAtube).

Artist: Benjamin Jacanamijoy Tisoy

Where there is wealth, where there are springs, there is oil. Ordinary people do not have knowledge of the land and can become ill in these places, but plants grow there too: vinanes and chundures, which also have healing properties. While some want the riches, others consider this wealth to be the blood of Mother Earth. There you find the yucca leaf. The images correspond to the interpretation of the fabrics, and also have to do with the woman's womb, which is also considered a spiritual place.

B.J., June 2025. In conversation with the artist.

Gold mining in the Colombian Amazon has historically been a complex activity, ranging from small, medium, and large-scale legal operations to a vast network of illegal and informal mining controlled by criminal networks, with serious environmental (massive deforestation and mercury pollution) and social (violence, displacement, transformation of the way of life of Indigenous peoples) repercussions. Although it has existed in the Amazon since pre-Columbian times, its expansion as a

form of exploitation is linked to the arrival of foreign miners, often Brazilians (*garimpeiros*) and Peruvians, in the late 1970s and early 1980s.⁶⁴

According to *Drivers of Deforestation in the Colombian Amazon: Minerals, Oil, and Gas* by María Molina, “mining and oil and gas exploitation are among Colombia’s most lucrative sectors, attracting large numbers of legal and illegal investors” and have caused serious damage to the Amazon rainforest and the people who live there.⁶⁵ From 2001 to 2018, more than 400,000 hectares of forest were lost in Colombia due to extractive projects and the roads built to support them.⁶⁶ Likewise, the Attorney General’s Office notes that illegal mining has affected 29 of the country’s 32 provinces (*departamentos*) and more than half of its municipalities in the last decade. With more than 94,000 hectares affected by gold mining, Colombia is the country with the highest release of mercury into the environment, causing irreversible damage to ecosystems and the health of communities.⁶⁷

Many of these activities take place in areas such as Caquetá, Putumayo, and Guainía, where both legal companies and illegal groups operate, often overlapping with Indigenous territories.⁶⁸ In fact, the National Organization of Indigenous Peoples of the Colombian Amazon (OPIAC) reported in 2023 that there were 413 applications and 196 mining titles already granted. Alarming, 78,000 of the 102,000 hectares with mining titles are in Indigenous territories, which has led to a territorial and cultural reconfiguration, with devastating environmental consequences that weaken the ancestral knowledge essential for the preservation of this ecosystem.⁶⁹

Among the emerging environmental regulatory developments during this period is Law 685 of 2001 (Colombian Mining Code), whose main objective is to promote the exploration and exploitation of subsoil mineral resources under the logic that they are “property of the nation.” The Environmental Crimes Act (Law 2111 of 2021), on the other hand, criminalizes illegal exploitation and environmental pollution, punishing those who cause serious damage to ecosystems without permits. Of relevance is Law 1658 of 2013, supplemented by the Minamata Convention, which banned the use of mercury in mining, and more recent laws with a restorative and preventive approach, such as Law 2294 of 2023 (National Development Plan), which prioritizes land use planning around water, ensuring the protection of aquatic ecosystems.

64. Killeen, T. J. "Geografía de los Garimpos." *Mongabay Latam*, July 26, 2024.

65. Molina, María. "Impulsores de la deforestación en la Amazonía colombiana: minerales, petróleo y gas." *Comité Nacional de los Países Bajos*, December 2023. <https://www.iucn.nl/en/publication/drivers-of-deforestation-in-the-colombian-amazon-minerals-oil-and-gas/>

66. *Ibid.*, Molina, 2023.

67. Procuraduría General de la Nación. *Informe Nacional de Minería Ilegal y Contaminación por Mercurio en Colombia*. Bogotá, Colombia, 2024.

68. *Ibid.*, Molina, 2023.

69. Organización de los Pueblos Indígenas de la Amazonía Colombiana (OPIAC).

In addition, Law 2327 of 2023 focuses on the management of environmental liabilities, seeking to identify and restore areas degraded by mining.



Bonanza del Oro/ Gold Boom

"Kuri suyu" / "En un lugar de oro" / Acuarela / 30x20 cm / 2004.

Artist: Benjamin Jacanamijoy Tisoy

I made this in 2004. It is part of a larger work. I imagine myself as a child on the road to Puerto Limón, Kuriyaco (the river of gold): I made several images on a painting, as if remembering that. El Rio de Oro – Kuriyacu. "It is an illustration of mining activities: sometimes the inhabitants themselves in their own territories do not appreciate or want their own water, their own spiritual places, because they believe that the god of money will solve their problems... one day we will have no fish, no bananas, nothing.

B.J., June 2025. In conversation with the artist.

THE COCA BOOM: FROM SACRED PLANT TO ILLICIT CROP (FROM THE 1980S ONWARDS)

Another significant change occurred between the 1960s and 1990s when Colombia turned to coca in the Andes and Amazon regions. From sacred plant to illicit crop, the Colombian Amazon experienced a coca boom, the foundations of which were inadvertently laid by the oil boom. This was partly due to failed development plans that focused too heavily on export-based agriculture.⁷⁰ When those plans failed, many small farmers and settlers turned to coca cultivation to survive. Holmes, Pavón, and Gutiérrez de Piñeres, in their chapter on Economic Development Policies in Colombia (1960–1990) and the Shift to Coca in the Andean Amazon, explain that in regions such as Putumayo and Caquetá, coca became a key part of the local economy in the 1980s.⁷¹ This was not just a criminal problem; it was linked to state negligence and poverty. “Coca cultivation was more a response to the lack of viable economic alternatives and inequalities than a decision to participate in the illicit economy.”⁷²

For the Indigenous peoples of the Colombian Amazon, coca is (and always has been) a sacred plant of great spiritual value, fundamental in the transmission of ancestral knowledge.⁷³ However, the expansion of coca cultivation for illicit purposes has profoundly transformed the ancestral use and management of the communities and has become one of the main drivers of deforestation, destruction of vital ecosystems, loss of endemic species, and contamination of soils and water sources, among others.⁷⁴ It has also led to the occupation of ancestral territories (considered uncultivated land) and the establishment of population centers, the arrival of illegal armed groups, drug traffickers, and security forces, who initiated an armed struggle for territorial control and the implementation of anti-drug policies.⁷⁵ Although this boom did not result in the creation of environmental regulations specifically designed to counteract this reality, its serious environmental impacts (such as deforestation and pollution) led to the strengthening of the existing environmental legal framework, the creation of new criminal categories,

70. Holmes, Jennifer, et al. *Políticas de desarrollo económico en Colombia (1960–1990) y el giro hacia la coca en la Amazonía andina*. 1st ed. In *Los orígenes de la cocaína*. Routledge, 2018.

71. *Ibid.*, Holmes et al., 2018:114.

72. *Ibid.*, Holmes et al., 2018: 129.

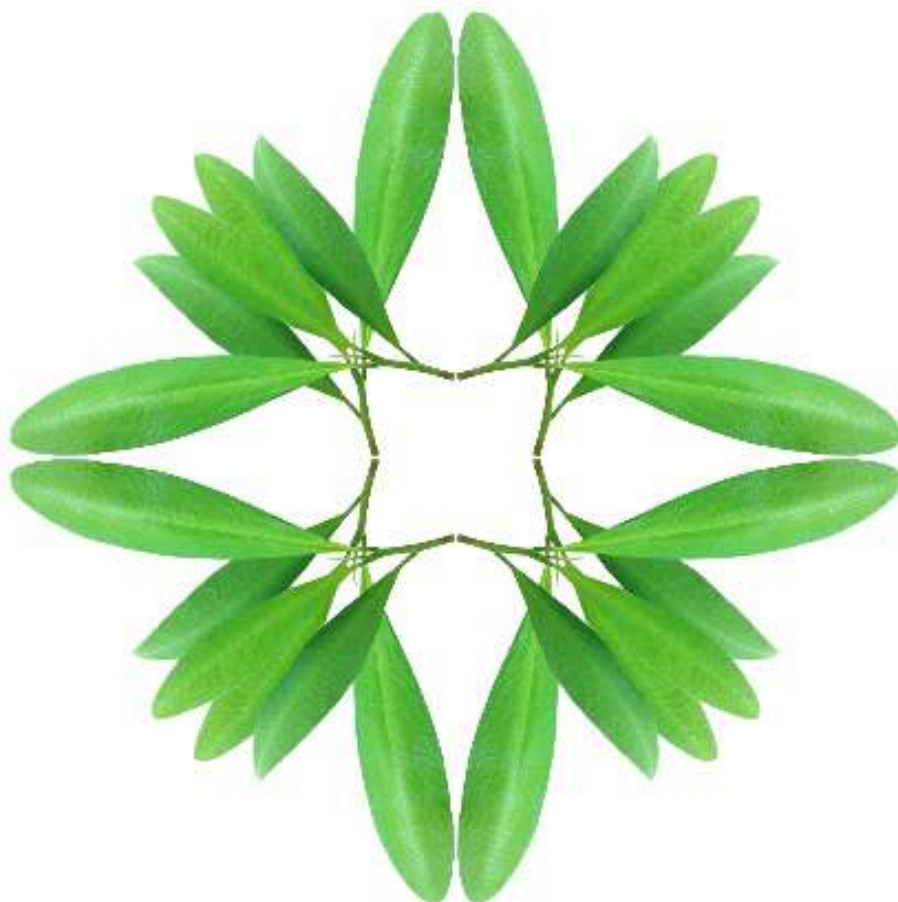
73. OZIP. *Plan de Ordenamiento Ambiental: Monaide Jitoma*. 2020.

74. *Ibid.*, CNMH, 2013.

75. Ramírez, S., I. de Rementería, R. Vargas, and F. Franco. *Coca y conflicto armado*. 2011.

and the implementation of policies, mainly Law 30 of 1986 (National Narcotics Statute),⁷⁶ Alternative Development Programs, and Environmental Management Plans for Protected Areas, among others.

76. Colombia. Congreso de la República. Ley 30 de 1986: Por la cual se adopta el Estatuto Nacional de Estupefacientes y se dictan otras disposiciones. Diario Oficial No. 37.382, January 31, 1986.



Bonanza de la Coca/Coca Boom

"Koka pangakuna suyu" / "En un lugar de hojas de coca" / Intervención fotográfica / 90x90 cm / 2020.

Artist: Benjamin Jacanamijoy Tisoy

A long time ago, there was a campaign called "La Mata que Mata" (The Leaf that Kills). This image was created during the pandemic. This is a very tender leaf: the image is based on a photograph I took of a coca leaf in the Sierra. No "tributes" have been made to this leaf because they say it "harms": the greed of those who want wealth, the thought of greed is what harms.

B.J., June 2025. In conversation with the artist.

Starting in 2014, Colombia entered a new period of "prosperity," this time driven by the **copper** boom. Law 1715 of 2014 established the framework for incorporating non-conventional renewable energies, such as solar and wind power, into the country's energy matrix, and more specifically, Law 2099 of 2021 addresses the concept of **energy transition**.

Although the current Colombian government⁷⁷ proposes land use planning based on water protection, it also actively promotes energy transition and an economic plan that is less dependent on fossil fuels – which is contradictory, especially in highly sensitive and diverse territories, where these commitments are nothing more than a pretext to promote further extractivism at the expense of the destruction of territories and sacred sites. For example, the growing global demand for copper⁷⁸ has put the spotlight on a large deposit in the Andean-Amazonian region. The most representative case is the project by the Canadian company Libero Copper & Gold (Copper Giant Resources Corp) in Mocoa Putumayo, where a copper and molybdenum deposit considered one of the largest in Colombia and Latin America is located, covering more than 11,000 hectares in a territory where the Andean, Amazonian, and Pacific ecosystems converge and the five most important rivers in the country originate.

78. Copper is considered a crucial mineral. Copper mining comes with the promise of replacing fossil fuels with renewable, clean, and sustainable energy sources.

Faced with this threat, social, environmental, and community organizations, as well as Indigenous and local authorities in Mocoa, have promoted a series of multifaceted actions against the mining project, ranging from demonstrations, peaceful resistance exercises, festivals such as the Festival of Water, Mountains, and Life, and public statements to litigation and negotiations with government authorities. Among these actions, the Agreement 020 of 2018 stands out: the Municipal Council of Mocoa prohibited the development of metal mining activities and large and medium-scale mining in all its phases within the jurisdiction of the municipality. This agreement was in force until July 2024, when it was annulled by a decision of the Council of State. Similarly, the Condagua Indigenous Reserve filed a writ of protection (2022) against the Ministry of the Interior and the company Libero Cobre.⁷⁹

79. Juzgado Segundo Penal del Circuito de Mocoa. (2022, May 2). Fallo de Tutela No. 009: Ramiro Silvino Chindoy Buesaquillo vs. Ministerio del Interior y Libero Cobre (Radicado No. 860013104002-2022-00042-00). Mocoa, Putumayo, Colombia.

Indigenous peoples have issued various statements and public complaints. Recently (May 2025), they expressed their absolute and unanimous rejection to the mining project, considering it incompatible with a true energy transition and sustainability. The project is based on the destruction of sacred territories, leading to the disappearance of forests, rivers, and mountains.⁸⁰ To be sure, the Law of Origin and local Life Plans, both expressions of the *Derecho Propio*, prohibit extractive projects and mandate the protection of sacred sites, water sources, and biocultural diversity.⁸¹

80. Montes Cortés, C. “Reconocimiento de la naturaleza como entidad sujeto de derechos: ¿Una consecuencia de las limitaciones del derecho ambiental?” *Revista Catalana de Dret Ambiental* 13, no. 1 (2022).

81. *Ibid.*, Montes Cortés, 2022.



Cobre Como Recurso Natural/Copper as a natural resource

*"Panga ayauaskakuna cobre suyu" / "Hojas de ayauaska en un lugar de cobre" / Intervención
fotográfica / 90x90 cm / Mayo de 2025.*

Artist: Benjamin Jacanamijoy Tisoy

I started making these circles of 32 and this is what happens: you get a circle, but also a square: that happens with almost all of them: beautiful shapes emerge from your thoughts. In the center is the symbol of Libero Cobre, let's see if the Yagé calms him down. The place is still there.

B.J., June 2025. In conversation with the artist.

Far from being periods of genuine prosperity, what has been called “bonanzas” in the Colombian Amazon have been – and continue to be – periods of rampant exploitation of natural resources, with devastating consequences for ecosystems and Indigenous peoples alike. In the early 20th century, extractive activities, particularly rubber and oil, caused the displacement of Indigenous peoples and generated international concern about human rights violations. Meaningful legal recognition of Indigenous lands in Colombia did not begin until the 1960s. Even after the rubber boom, the return of Indigenous peoples to their ancestral lands was slow and fraught with obstacles as the state failed to create clear rules to protect their rights. It was not until 1966 that Colombia began to recognize Indigenous “resguardos” as legal units of land, but

they were temporary and limited in scope. Over time, however, conservation efforts began to evolve to include Indigenous communities as part of environmental solutions. According to the Scientific Panel for the Amazon, about half of the Amazon region is now under some form of legal protection, including Indigenous territories and protected areas.⁸² These areas have proven effective in curbing deforestation compared to unrecognized lands. But even so, policies have not always been consistent. Some laws supported land rights and conservation, while others, especially those linked to extractive development or national security, undermined them.

82. Josse et al. “The state of conservation policies, protected areas, and Indigenous territories, from the past to the present.” *Amazon Assessment Report 2021*, chapter 16 pp. 1-16.

THE EMERGENCE OF THE RIGHTS OF NATURE IN COLOMBIA

In Colombia, the recognition of Nature as a subject of rights has been influenced by international factors, the evolution of environmental law and, notably, by national jurisprudence, especially derived from *tutela* actions. Initially, it had a marked anthropocentric vision, that is, nature had value for its usefulness to satisfy human needs, and its protection was oriented to the benefit of human beings and their welfare alone.⁸³ Law 23 of 1973, which gave rise to the Natural Resources Code, reflected this vision by considering the environment as a common heritage to be preserved for the benefit of the State and individuals. This was followed by the 1991 Political Constitution, which includes the right to a healthy environment and precepts that regulate society's relationship with nature and the environment, imposing on the State and individuals the duty to protect the Nation's natural wealth.⁸⁴

However, considering undeniable environmental degradation and the inability of existing regulations to contain it, there was an urgent need to rethink the law, which prompted a gradual transition from an anthropocentric to an eco-centric perspective, valuing nature for its intrinsic existence, beyond any benefit to humans. This change in perspective has been significantly integrated into Colombian jurisprudence, especially through the activism of constitutional judges, whom communities and organizations have turned to in order to demand protection for ecosystems affected by human activity.

In 2016, a new precedent was set in the development of the rights of nature and eco-centric jurisprudence when the Constitutional Court of Colombia, through Ruling T-622, recognized the Atrato River as a subject of rights in response to a writ of protection filed by Indigenous and Afro-descendant communities against government authorities.⁸⁵ The precautionary principle served as the rationale for the Court's decision to recognize the river, its basin, and its tributaries as subjects of rights, emphasizing their ecological importance and demonstrating how the judiciary must navigate the complexities of climate change in relation to extractivism and deforestation.⁸⁶ The Court's decision set a

83. Colombia. Congreso de la República. Ley 23 de 1973. Diario Oficial No. 34.020, December 18, 1973.

84. Montes Cortés, C. "Reconocimiento de la naturaleza como entidad sujeto de derechos: ¿Una consecuencia de las limitaciones del derecho ambiental?" *Revista Catalana de Dret Ambiental* 13, no. 1 (2022).

85. Sentencia T-622/16 (El caso del río Atrato), Corte Constitucional de Colombia, 2016. Traducción disponible en Dignity Rights Project, 2019.

86. Corte Constitucional de Colombia. Sentencia T-622/16 (Caso Río Atrato), 2016, art. 7.36.; Bryner, N. "Corte Suprema de Colombia reconoce derechos del ecosistema del río Amazonas." 2018. <https://iucn.org/news/world-commission-environmental-law/201804/colombian-supreme-court-recognizes-rights-amazon-river-ecosystem>

precedent for the Rights of Nature and the rights of future generations and highlighted the interdependence between all living beings (human and non-human).

On the other hand, a group of 25 children and young people, together with Dejusticia, further established these legal concepts in Colombian courts when they filed a writ of protection alleging that rising temperatures and deforestation in the Amazon endanger their rights to a healthy environment, life, health, food, and water, emphasizing that future generations will suffer the harshest consequences of climate change.⁸⁷ The Colombian Supreme Court agreed with the plaintiffs and ordered the Presidency and the Ministries of Environment and Agriculture to create the Intergenerational Pact for the Life of the Colombian Amazon, with the aim of mitigating greenhouse gas emissions and reducing deforestation to zero.⁸⁸ In addition, the Court recognized the Colombian Amazon as an entity with rights, enforcing the State's duty to protect, conserve, maintain, and restore it.⁸⁹

Shortly after the Atrato River Decision, the final version of the Peace Agreement was signed between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC), emphasizing a shift toward seeking peace with nature, given that the armed conflict severely affected the environment, encouraging deforestation, illegal mining, the expansion of illicit crops, and the contamination of rivers and soils.⁹⁰ In this context, Decree 4633 of 2011 establishes a milestone in Colombian legislation by explicitly recognizing that the territory is also a victim of the armed conflict, particularly in the context of Indigenous peoples and communities. This differential approach recognizes the intrinsic and vital relationship that exists between Indigenous peoples and their territory, which is the basis of their physical and cultural existence. Therefore, any damage caused to the territory—whether through dispossession, forced abandonment, or the presence of armed actors who prevent free movement and access to sacred sites—represents a collective violation that directly affects the survival of the people.⁹¹

Cases such as these allow eco-centric norms to further permeate jurisprudence in the Amazon, as seen with the declaration of another river (Putumayo) as a subject of rights, and the declaration of animals as sentient non-human subjects of rights.⁹²

87. STC4360-2018 (Colombia); Guzmán, D., *In historic ruling, Colombian Court protects youth suing the national government for failing to curb deforestation*, 2018. <https://www.dejusticia.org/en/en-fallo-historico-corte-suprema-concede-tutela-de-cambio-climatico-y-generaciones-futuras/>

88. Guzmán, D. "In Historic Ruling, Colombian Court Protects Youth Suing the National Government for Failing to Curb Deforestation." 2018. <https://www.dejusticia.org/en/en-fallo-historico-corte-suprema-concede-tutela-de-cambio-climatico-y-generaciones-futuras/>

89. La Fundación Gaia. "La Corte Suprema de Colombia dicta sentencia histórica sobre los Derechos de la Amazonía." Accessed September 12, 2025. <https://gaiafoundation.org/colombia-s-supreme-court-makes-historic-ruling-rights-amazon/>

90. Órganos Legislativos Nacionales / Autoridades Nacionales, Colombia. *Acuerdo Final para Poner Fin al Conflicto Armado y Construir una Paz Estable y Duradera*. November 24, 2016. <https://www.refworld.org/legal/agreements/natlegbod/2016/en/121520>

91. Colombia. Decreto 4633 de 2011.

92. Colombia. Sentencia T-493 de 2018; Ley 1774 de 2016; AHC4806-2017.

However, the recognition of the Rights of Nature also faces criticism that reveals deep tensions in its implementation. By operating under a system of human values, it runs the risk of instrumentalizing nature, ultimately protecting *it* by and for the interests of the human society alone.⁹³ On the other hand, the legal dichotomy persists that nature is private property and, at the same time, a subject of rights. The lack of clarity regarding enforcement mechanisms, the scope of these rights, and who should defend them is a central weakness that has not yet been resolved by legislation or jurisprudence. This situation prevents structural changes and leaves environmental problems in the hands of the same institutions, without having translated into a new regulatory system.⁹⁴ The Rights of Nature could then be considered a superficial solution that does not address the root causes of extractivism. The real problem is not that nature lacks special rights, but rather that the economic model continuously drives the exploitation of resources.⁹⁵ The real problem is not that nature lacks special rights, but rather the economic model persists on an extractivist *ethos* at the expense of territorial socio-ecological relationalities and normative affordances.⁹⁶

As Richardson and Bustos argue, the implementation of the Rights of Nature in Colombia has failed to ensure justice for both humans and ecosystems. While courts order the protection of ecosystems, other state agencies – such as those involved in mining – continue to grant concessions that contradict those rulings, thus creating a conflict of interests ultimately hindering conservation efforts.⁹⁷ This failure is due to the lack of enforcement and impunity, in the context of a complex militarized extractive industry. Thus, violence and illicit economies, such as illegal mining, continue to threaten local communities and ecosystems alike despite these ecocentric efforts.⁹⁸

Although Indigenous peoples see the Rights of Nature approach as a step in the recognition of their *Derecho Propio*, this process is still under construction and demands greater responsibility from the state in recognizing Indigenous territorial rights. Despite these pivotal legislative developments, nature conservation models have historically been imposed without the consent of communities, making it necessary to design comprehensive conservation policies that respect local self-determination and governance systems. It's insufficient to recognize the role of Indigenous peoples solely as 'allies'; rather, their role as legitimate guardians of their territories must be respected, recognizing that their traditional knowledge is an essential tool for the implementation of those rights as well.⁹⁹ The RoN is an evolving approach. In this context, *Derecho Propio* acquires special relevance.

93. Viaene, Lieselotte. "The Hype of Rights of Nature: Critical Considerations." *Revista Española de Derecho Constitucional*, no. 138 (2024).

94. Dejusticia. "Debate sobre los derechos de la naturaleza." February 6, 2023. <https://www.dejusticia.org/column/debate-sobre-los-derechos-de-la-naturaleza/>

95. Gudynas, Eduardo. *Derechos de la Naturaleza: Ética, política y derecho*. Serie Pensamiento Crítico. La Paz: Programa Democracia y Transformación, y Centro de Estudios Superiores Universitarios (CESU), Universidad Mayor de San Simón, 2015

96. *Ibid.*, Vargas Roncancio, 2024.

97. Key rulings on the Rights of the Atrato River and the Amazon have not been fully enforced. Court orders are often ignored, exacerbating existing injustices.

98. Richardson, Whitney, and Camila Bustos. "Implementing Nature's Rights in Colombia: The Atrato and Amazon Experiences." *Revista Derecho del Estado* 54 (February 2023).

99. Centro de Noticias y de la Red de Comunicación Indígena. "El reconocimiento de los pueblos indígenas en la conservación de la biodiversidad." May 20, 2022. <https://www.cntindigena.org/el-reconocimiento-de-los-pueblos-indigenas-en-la-conservacion-de-la-biodiversidad/>



Derechos de la Naturaleza/Rights of Nature. "Sumaj ruray tarpuy" / "el arte de sembrar" / Intervención fotográfica / 90x90 cm / 2024.

Artist: Benjamin Jacanamijoy Tisoy

Wealth of interweaving. The base is a chumbe (translation) that is gradually unraveling. It is a return to the beginning of knowledge: the thread. This is how one learns to weave. The idea of sowing in these spiritual places. You may become ill, but the land itself, its plants, heal you.

B.J., June 2025. In conversation with the artist.



3

ECOCENTRIC NORMATIVITIES AND THE ‘NEW’ PERSONS OF THE LAW

Ecocentric normativities represent a fundamental shift in the philosophy of law, moving from an anthropocentric vision (centered on the human being as the sole holder of rights) to a perspective that recognizes the intrinsic value of nature. In this paradigm, the Earth and its ecosystems are not mere objects of property or resources for human exploitation, but entities with their own right to exist and evolve. This change of perspective has prompted the recognition of “new” persons of law, which go beyond traditional concepts and include specific subjects such as forests, moorlands, mountains, rivers, among others, all with the capacity to be holders of rights, to be represented, and to initiate legal actions for their defense. Non-human sentient beings, plants, animals, and spiritual or invisible beings are included in this scenario. Although they do not enjoy a specific framework of protection in state law, they do find ample development in the Indigenous peoples’ own systems of law, in normative instruments with binding force: Law of Origin, Life Plans, and Environmental Management Plans.

INDIGENOUS LAW AS DERECHO PROPIO

Western environmental law is often framed as an independent set of norms and procedures to regulate the human use of an external entity: nature. This model, however, remains grounded in what scholar John Law has called a “one-world world” ontology,¹⁰⁰ which suggests that regardless of cultural variations and belief systems, humans and nature occupy one single real world made up of discrete and separate entities. This vision—which we call an “ontology of separation” between nature and culture—poses significant challenges for ecocentric legal practice.¹⁰¹

In contrast, *Derecho Propio*, does not mean only Indigenous legal traditions—a set of customs, norms, and procedures to regulate social behavior—but also the local “lifeworlds,” (*relaciones vitales*) which are “distinct ways of knowing and being in the world,”¹⁰² including forms of laws for humans and more-than-humans. The legal system is born and based on the worldview, customs, traditions, values, and cultural practices of Indigenous peoples. The rules arise from a harmonious and reciprocal relationship with nature, reflecting and respecting its order, unlike state or foreign law, which is imposed by a central authority. Justice, in this context, aims to repair damage and restore balance rather than imposing punitive measures.¹⁰³

Following Indigenous legal practice in the Andean-Amazonian region, the life-enhancing vision endorsed by the authors of this chapter embraces a relational, rather than separationist, view of the world. This view underscores the radical interdependency between human and nonhuman beings, pays attention to the benefits of pluri-legal systems, and recognizes the intelligence and communicative capacities the more-than-human world. This approach challenges the narratives and premises of Western law and, in particular, environmental law. Therefore, Right of Own contributes to these eco-centric norms by emphasizing a paradigm shift from anthropocentrism to ecocentrism.

The idea that human beings are not the center of creation or the superior species and that therefore not everything is at their disposal – pivotal to the recognition of the rights of nature – is, in fact, an ancestral principle of Indigenous peoples, which emanates from their

100. For the purposes of this chapter, ontology means a set of claims about the nature of reality.
John Law, Paper

101. Vargas Roncancio I.D., et al.,
“From the Anthropocene to Mutual
Thriving: An Agenda for Higher
Education in

102. Mills, Aaron., *Miinigowiziwin:
All that Has Been Given For Living
Well Together: One Vision of
Anishinaabe*

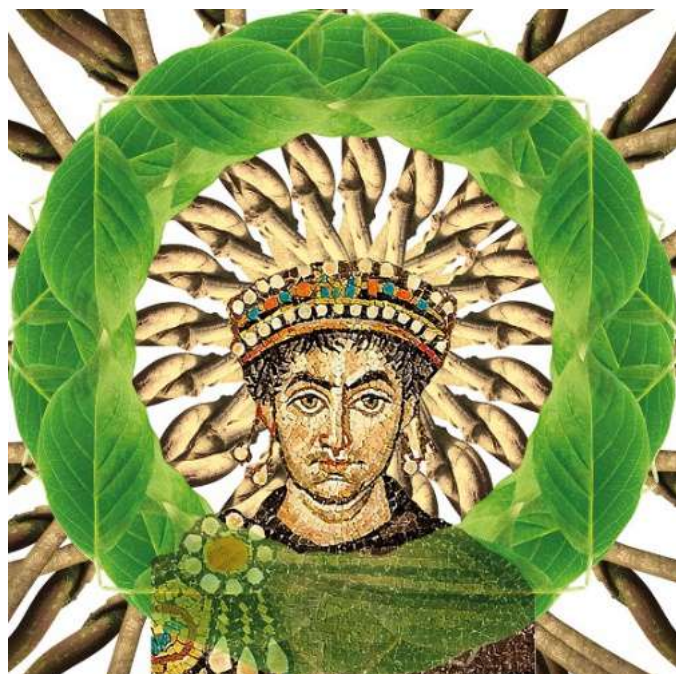
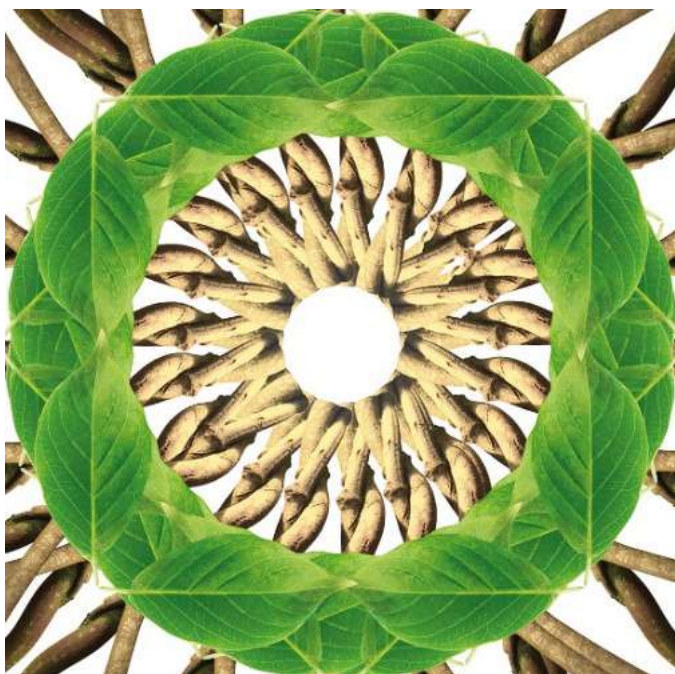
103. Ariza Santamaría, R. 2010.
Coordinación entre sistemas
jurídicos y administración de
justicia indígena en Colombia.
Instituto Interamericano de
Derechos Humanos.
<https://cejamericas.org/wp-content/uploads/2020/09/20coordinacinentre2sistemas.pdf>

own normative systems (the Law of Origin). As is well known, for Indigenous peoples, Mother Earth is the center of cultural, judicial, and social systems, and people recognize their responsibilities and duties to ensure mutual survival. This legal revolution not only questions and transforms the most profound and dangerous premises of Western legal systems, such as the capitalist concept of property, but also proposes that human beings belong to Mother Nature, to rivers, mountains, valleys, stones, lakes, and forests.¹⁰⁴

In this way, the recognition of the Rights of Nature is closely related to Indigenous law and may even be a form of vindication of ancestral Indigenous worldviews, which were marginalized in the West's drive for homogenization.¹⁰⁵

104. Krenak Naknanuk, Edson. "Los Pueblos Indígenas son esenciales para los derechos de la naturaleza", *Cultural Survival*, 31 October 2022, <https://www.culturalsurvival.org/es/publications/cultural-survival-quarterly/los-pueblos-indigenas-son-esenciales-para-los-derechos-de>; Álvaro Sagot Rodríguez, "Los derechos de la naturaleza, una visión jurídica de un problema paradigmático," *Revista Judicial, Poder Judicial de Costa Rica*, n° 125 (December 2018): <https://www.corteidh.or.cr/tablas/r39465.pdf>.

105. Ruiz Cárdenas, Paola Andrea. "Los derechos a la naturaleza como una expresión de reconocimiento a las cosmovisiones indígenas: Casos de Ecuador y Bolivia," *Revista de Relaciones Internacionales de la UNAM*, no. 129 (enero-abril 2021).

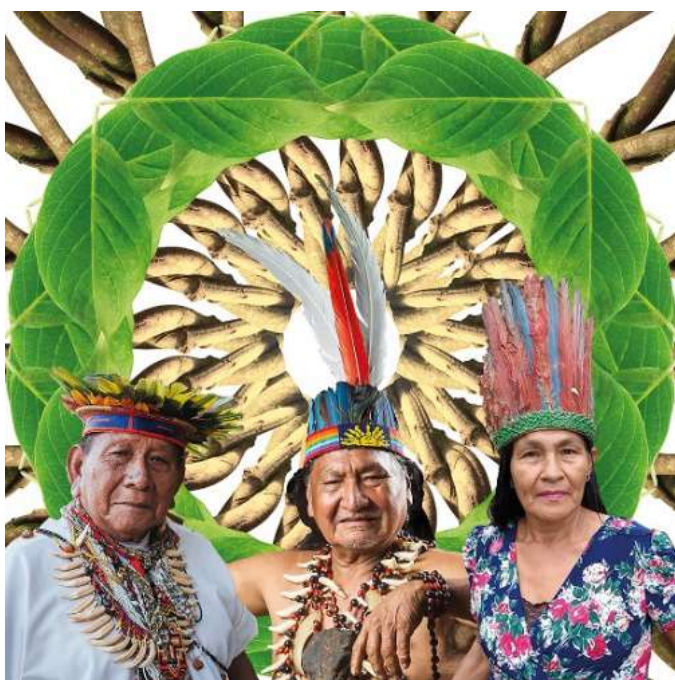


Origen del Derecho - Derecho Propio/Law's Origin – Our Law

"Ayauaska panga tujtu suyu" / "En un lugar de flor de hoja de bejuco espiritual - amargo" / Intervención fotográfica / 90x90 cm / May de 2025.

"Dionisio Ayauaska panga tujtu suyu" / "Dionisio en un lugar de Flor de hoja de bejuco espiritual - amargo" / Intervención fotográfica / 90x90 cm / May 2025.

Artist: Benjamin Jacanamijoy Tisoy



"Atunkuna ayauaska panga tujtu suyu" / "Mayores en un lugar de flor de hoja de bejuco espiritual - amargo" / Intervención fotográfica / 90x90 cm / May 2025.

"Atunkuna Dionisio uanta ayauaska panga tujtu suyu" / "Mayores con Dionisio en un lugar de Flor de hoja de bejuco espiritual - amargo" / Intervención fotográfica / 90x90 cm / May 2025

Artist: Benjamin Jacanamijoy Tisoy

The idea is the union between the yagé vine and the leaves (chagropanga): it is the other element that provokes visions. I took the image of Dionysius [Dionysius Godofredo (Dionysius Gothofredus), compiler of the Corpus Iuris Civilis] as it was

interpreted. The union of the vine with the chagropanga leaf produces the drink; Western law and Indigenous law also embrace each other. It is the union of thought. It is the union of the vine, the leaves, and the beings that are there: it is that union of law. The place is always present; there is always talk of the territory and of one's own stories. One's own law has to do with origin. The origin of law is ayahuasca, it is the beginning of law. The title says: elders in a place of spiritual vine leaf flower. When doing the exercise of creating the image, the issue of translation also arises. The beginning of knowledge.

B.J., June 2025. In conversation with the artist.

THE TERRITORY AS A COMMUNITY OF LIFE

The Law of Origin – which emanates from the Universal order regulating the interaction between the material and spiritual worlds¹⁰⁶ – recognizes the territory as a community of life constituted as a dynamic system where human beings, animals, plants, microorganisms, water, soil, air and all natural elements and beings – visible and not – interact. Beyond their usefulness for human beings, each of these components holds an inherent value, a right to exist and develop. Therefore, interdependent relationships are woven where the survival of one of its components is linked to the well-being of another, and what affects one of them necessarily has repercussions on the others.¹⁰⁷

From the vantage point of the Law of Origin, the territory constitutes a sacred space, a community of life where each of the living and sentient beings, human and non-human, has been assigned a function that is indispensable for the preservation of harmony and equilibrium. This is in contrast to anthropocentric Western reasoning, which considers humans as the center of the universe and reduces the Earth to an object of exploitation. For Indigenous peoples, plants, animals, water, soils, air, and their spirits form a great natural society, where relationships are continuously built and rebuilt with respect.¹⁰⁸

106. Reglamento interno pueblo Inga de Colón. 2020. PDF, <https://www.minjusticia.gov.co/progr/ramas-co/fortalecimiento-etnico/Documents/banco-2020/30.%20DOCUMENTO%20FINAL--%20REGLAMENTO%20INTERNO.pdf>

107. See Echeverri, J. A. (2000). Reflexiones sobre el concepto de territorio y ordenamiento territorial indígena. In J. J. Vieco, C. E. Franky and J. A. Echeverri (Eds.), Territorialidad indígena y ordenamiento en la Amazonia (pp. 173-180). Leticia: Universidad Nacional de Colombia; Vieco, J. J., Calvo, C. E. F., and Echeverri, J. A. (Eds.). (2000). Territorialidad indígena y ordenamiento en la Amazonia. Leticia: Universidad Nacional de Colombia. <https://repositorio.unal.edu.co/handle/unal/19951>; Vieco, J. J., Calvo, C. E. F., and Echeverri, J. A. (Eds.). (2000). Territorialidad indígena y ordenamiento en la Amazonia. Leticia: Universidad Nacional de Colombia. <https://repositorio.unal.edu.co/handle/unal/19951>

108. OZIP. Plan de Ordenamiento Ambiental. 2022.



Representación cartográfica de la Amazonia donde se superponen diferentes dimensiones del territorio/Cartographic Representation of the Amazon where different territorial dimensions overlap. "Sumaj yuyay samai suyu" / "Pensar bonito en un lugar espiritual" / Acuarela sobre papel acuarela / 50x70 cm / 2004. (En el libro "La agonía del jaguar". ALDHU Asociación Latinoamericana de derechos humanos, 2004)

Artist: Benjamin Jacanamijoy Tisoy

... putting all this together: thinking beautifully in the spiritual realm. The agony of playing—the Yaraoni: descendants of the butterfly wing—all of this was being lost in 2004. In Ecuador, there was an oil spill: the agony of the jaguar has to do with that way of thinking that was being lost. The map is a very complex interweaving: an artist represents the place in another way: there are things of time (for example, where the fish are), there is also an eye: this is the human vision of a territory: cartographers represent it using "conventions.

B.J., June 2025. In conversation with the artist.

In the case of the Inga People of Colombia, the territory is conceived not only as a physical space, but as an integral and sacred community of life. Life emanates from the cosmos, from Mother Earth (*Nukanchipa Alpa Mama*), Mother Nature, the sun, air and water as the foundation of all creation. No form of life is possible without territory. The territory is the spiritual-ecological container and the experiential framework for the social, cultural, political and economic recreation of community life.

PLANTS AND INVISIBLE BEINGS

Comprehensive Life Plans¹⁰⁹ – *Planes Integrales de Vida* – and Indigenous Environmental Management Plans,¹¹⁰ as truly eco-centric regulations, have recognized and mandated the protection of plants and other beings endowed with spirit, consciousness, and agency. They’ve the capacity to teach, heal, and communicate, thus challenging Western views on life and order. For the Inga, for example, plants think, feel, and form communities of life, developing their own organizational and authority systems.

Among the Inga people of Colombia, *ambiwaska* (yage) is central to the relationship with the spiritual world (*Amukunapa Wasi*). The plants (physical beings) have masters or protectors (spiritual owners) who grant healing, medicinal, nutritional, artisanal, and political powers. These invisible beings are considered guardians of specific places, such as mountains, rivers, lakes, or forests. They watch over the balance of nature and can be benevolent or challenging depending on how humans interact with the environment. To establish a relationship with them, permission must be obtained through appropriate rituals guided by wise men and women (*sabedores* and *sabedoras*). Plants and their spiritual owners reveal the rules that govern relationships with humans: where to hunt, gather, and sow; where sacred places are located that must not be disturbed; how to protect water sources; and how to maintain balance between humans and the environment. In this way, Indigenous territories are managed according to spiritual, ecological, and cultural criteria.¹¹¹

109. The Comprehensive Life Plan encompasses the lives of Indigenous peoples in their entirety: their thoughts, their history, and the projections that allow them to survive across time and space as peoples worthy of their beliefs, customs, and traditions. It is guided by the Law of Origin and ancestral knowledge. It is a tool that will support planning and management in relation to government institutions and private entities, as well as intercultural dialogue with the state and the majority population, thereby guaranteeing collective rights and safeguarding the territory. (Inga Indigenous Reserve of Villa Catalina. “Plan de Vida.” Accessed September 7, 2025. <https://resguardoingavillacatalina.com/index.php/plan-de-vida>.)

110. An Indigenous Environmental Management Plan (POAI) is defined as a comprehensive and differentiated tool for territorial management whose primary objective is the conservation, sustainable use, and defense of the territory, in deep harmony with the traditional knowledge, worldview, spirituality, and cultural identity of the Indigenous community that inhabits it. This plan is distinguished by its focus on “organizing the thinking” of the community to improve its relationship with Mother Earth, rather than imposing order on nature, recognizing it as a sacred space that integrates the spiritual, social, and natural, governed by the Law of Origin. The POAI articulates the knowledge, rules of use, management, care, and defense of the territory.

111. Conversations with elders in spiritual spaces from the Inga, Siona and Korebaju communities, 2020 – 2022.



Plantas Espirituales y de Poder / Yagé y Seres Invisibles. "Ayauaska panga tujtu" / "Flor de hoja de ayauaska" / Intervención fotográfica / 90x90 cm / 2019.

"Andakí tujtu machachij" / "Flor de andakí borrachero" / Intervención fotográfica / 90x90 cm / 2019.

Artist: Benjamin Jacanamijoy Tisoy

COPPER: A SOURCE OF VITAL ENERGY

Unlike Western thinking, which separates the soil from the subsoil to turn it into an object of exploitation, for Indigenous peoples, the elements and spiritual beings that inhabit these spaces are sacred. Copper, for example, is not simply an inanimate resource, but a being endowed with life and spirit. Its permanence in the depths of the earth is essential for the stability of mountains, the regulation of groundwater and surface water, and the maintenance of natural cycles, serving as a pillar of territorial and ecological balance. It is necessary for the health of rivers, forests, and wildlife and, ultimately, for the health and well-being of human communities.

The massive extraction of copper (or any mineral) has dire consequences, altering the balance of the territory and generating serious impacts for human and non-human life. In Mocoa, Putumayo, Indigenous communities have stated that mining should not take place because “copper” is the “heart of the mountain,” a vital element that must be preserved so that the territory remains alive and healthy, and so that its people can continue to exist in harmony. Furthermore, Indigenous internal regulations, life plans, and environmental management plans prohibit the extraction of minerals such as gold and copper. However, these regulations are often ignored by Western legal systems, which are based on the principle that the subsoil and all its resources belong to the state, generating constant conflict between two irreconcilable visions of what territory and life mean.



Funcionalidad del Cobre, Desde lo Propio/Functionality of Copper from the vantage point of Our Law
"Uagra sacha panga ayauaskakuna uanta cobre suyu" / "Danta y hojas de ayauaska en un lugar de
cobre" / Intervención fotográfica / 90x90 cm / Mayo de 2025.
Artist: Benjamin Jacanamijoy Tisoy

THE ORDERING OF THE TERRITORY FROM THE PLANT'S POINT OF VIEW

In Indigenous thinking, land management based on sacred plants transcend Western notions of land management, planning, and zoning. *Territorial* management thus involves a profound worldview of reciprocity between humans and the living territory. Plants such as yagé, tobacco, coca, among others, teach how the territory should be organized: where to hunt, gather, or sow; where sacred places are located; how to protect water sources; and how to maintain the balance between humans and the environment. Indigenous territories are organized according to spiritual, ecological, and cultural guidance, set forth in Environmental Management Plans. These Plans outline precise regulations derived from the Law of Origin and are therefore binding on all actors—from community members to companies and state agents—who interact with the territory.¹¹²

112. OPIAC. 2023



Territorio como comunidad de vida: Interrelación del Mundo físico y mundo espiritual/ Territory as a community of life: Interrelation of the physical world and the spiritual world.

"Inti llajtu" / "Plumaje de sol" / Acrílico sobre lienzo / 60x200 cm / 2007.

Artist: Benjamin Jacanamijoy Tisoy

At that time, I made the plumage of the river of gold. Territory as a community of life: there are always references, to a river, to one's parents, grandparents, siblings, places, everyone... all the country folk always talk about a point, but that point is a place. Point is Spanish: but I'm going to use "suyu," the territory, "chipi suyu," space.

B.J., June, 2025. In conversation with the artist.



4

OUTLOOK AND FUTURE SCENARIOS

LA PINTA DEL DERECHO/A COSMO-VISION OF LAW: “EL PENSAMIENTO DE LOS MAYORES”

Attending to eco-normativities that involve visible and non-visible beings can transform legal imagination in Amazonia. In this section, we describe one key expression of this form of eco-centric normativity from the point of view of *Derecho Propio*. Our example is the Elder’s Thinking: Ethical Code of the Indigenous Medicine of The Andean-Amazonian Piedmont/ *El Pensamiento de los Mayores. Código de Ética de la Medicina Indígena del Piedemonte Amazónico Colombiano*.¹¹³

113. Unión de Médicos Indígenas Yagéceros de la Amazonía Colombiana-UMIYAC. 2000. *El Pensamiento de los Mayores. Código de Ética de la Medicina Indígena del Piedemonte Amazónico Colombiano*. Mocoa: UMIYAC. <https://umiyac.org/> (Accessed May 30, 2025). See Vargas Roncancio I.D. *Law, Humans and Plants in the Andes-Amazon: The Lawness of Life* Routledge, NY/London, 2024.



Territorio amazónico “en conservación”/Amazonian Territory “in Conservation”

“Jatun sacha uirritu anka tujtukuna suyu” / “Guacamaya en un lugar de flores azules” / Dibujo en acuarela e intervención fotográfica / 90x90 cm / Marzo 1 de 2022. “Ayauaska, jatun sacha uirritu jatun sacha misitu uanta, vinankuna suyu” / “Ayauasca, guacamaya y jaguar en un lugar de vinanes” / Dibujo en acuarela e intervención fotográfica / 90x90 cm / Mayo 25 de 2022.

Artist: Benjamin Jacanamijoy Tisoy

There has always been talk of macaws in relation to the taitas: people talk about macaws, hummingbirds... don't look at what you're thinking. Like everything else, there are differences among humans, but there is also unity: the blue leaves. Every line of the macaw is... there is always the “place”: the union of cold and heat: the union of the Sibundoy Valley with the jungle. I don't know who came up with the idea of separating us. That's how they separated us. They always had problems with the Inga: the Amazonians, the Andeans... the Andeans said, “They are Amazonians.” The chumbe makes sad things sound beautiful, like haikus.

B.J., June, 2025. In conversation with the artist.

The yagecero medics of the Colombian Amazon have approved an ethical code or protocol to regulate the ritual use of medicinal plants such as the Ayahuasca also known as Ambiwuasca or Yagé (*Banisteriopsis caapi*).¹¹⁴ The protocol is known as “El Pensamiento de los Mayores,” or the unified thinking that yagecero elders have shared with the world as a way to guide human interaction with the plant as a source of healing and governance.¹¹⁵

114. The traditional Amazonian Yagé or Ayahuasca ceremony has been practiced by several Indigenous peoples for several centuries and possibly since pre-Columbian times. In this ceremony, a brew concocted from the stems of the Yagé liana (*Banisteriopsis caapi*) mixed with the leaves of the chakruna/pinta/chagropanga/oprito shrub (*Psychotria viridis* Ruiz & Pav.) is employed (Pinkley 1973; Schultes and Raffauf 1990; Schultes et al. 2001). The term ayahuasca has been translated from the Quechua as the ‘vine of the soul.’ The name chakruna comes from the verb ‘chakruy’ and the verb root ‘chakru’ meaning ‘to mix’ (Highpine 2012), also from the Quechua language.

115. See Unión de Médicos Indígenas Yagéceros de la Amazonía Colombiana-UMIYAC. 2000. El Pensamiento de los Mayores. Código de Ética de la Medicina Indígena del Piedemonte Amazónico Colombiano. Mocoa: UMIYAC. <https://umiyac.org/> (Accessed 30 May 2025).

With the expression *pinta del derecho*, then, we signal four interrelated ideas. First, as an expression of eco-centric normativity, the law in Amazonia is not only limited to its written form: the law *lives* in the territory as a body *who* feels and thinks. Second, the *yage* plant is the root of this living, sentient and cognitive territory and, therefore, the root of the law itself: *la pinta del derecho* in Amazonia is, first and foremost, learning to integrate the normativities of a living territory and the human body, to guide the individual, family and community dimensions of life. Third, plant-human relations simultaneously engage three dimensions of life: the body as a biological self, the mind, and the spirit beyond the confines of the human. The *pinta del derecho* therefore amounts to holistically integrating human life into the normative fabric of a living territory endowed with a body, a mind and a spirit. Finally, a living territory possesses her own forms of self-governance: the *pinta del derecho* in Amazonia amounts to a pedagogy of governance; a corporeal pedagogy that engages the law from the perspective of the root of the territory – the *yage* plant – and through the visual dimension of this relation, so we can learn to live in harmony with all beings.

The eco-centric normativity of the plant, so to speak, is grounded in direct experience over generations of humans and the forest in relentless entanglement and co-expression. This normativity neither lends itself to modern multicultural tales of constitutional inclusivity, nor to the institutional cooptation of the Rights of Nature discourse in context of extractivism. The *Yagé* and its norms for organizing the territory are ontologically elusive, yet they are the root of the territory. The origin of Indigenous law and eco-centric law in this region.¹¹⁶

116. See
<https://www.onic.org.co/pueblos/1114-kofan>



Ceremonia de yagé como método eco-jurídico. "Sinchi Yacha samai suyu" / "Sabio Fuerte en un lugar espiritual" / Intervención fotográfica / 90x90 cm / May 2014.

Artist: Benjamin Jacanamijoy Tisoy

A PROVISIONAL CONCLUSION AND FUTURE OUTLOOK

The Colombian chapter of *Amazonography* provides an ecocentric and visual account of law in the Colombian Andean-Amazon from the point of view of two partially connected legal regimes, namely, Indigenous and State normativities, or “Our Law” and “Alien Law.”

The chapter sought to trace some of the material and normative implications of the so-called *bonanzas* that have profoundly impacted the Andean-Amazonian region to this day. From the extraction of quinine (*Cinchona officinalis*) and rubber (*Ficus elastica*) to the exploitation of oil, coca (*Erythroxylum coca*) and copper, the chapter probed how this extractivist *ethos*, which persists today, has been determinant in the ecological, symbolic and spiritual constitution of the Andean-Amazonian territories, generating diverse normative reactions. Some are inspired by a mechanistic paradigm that often informs state environmental law, which treats territorial relations as “resources to be protected”, thus imposing limits on economic action. Others are inspired by an organic and relational paradigm often present in Indigenous law, or *Derecho Propio*.

Through this normative synthesis we also wanted to demonstrate how the so-called *bonanzas* (or rather, extractive activities of various kinds) have triggered profound transformations of the territorial, cultural and political dynamics in the region. We concluded that these *bonanzas* have generated responses from both *Derecho Propio* and *Derecho Ajeno* – sometimes divergent and sometimes complementary responses – to deal with new material, symbolic, political and spiritual realities. Such is the case of the Supreme Court’s Ruling STC4360-2018 of April 5, 2018, which ordered different state actors to formulate short, medium and long-term action plans to address the scandalous rate of deforestation in the Amazon in the face of climate change.

However, while it is an eco-centric response to the region’s extractivist regimes, the Rights of Nature approach is also part of what Rossotto Ioris has aptly described as “environmental statehood”. We conclude that an excessive “state-ness” of the Rights of Nature discourse entails a new (old) danger: to displace the *Derecho Propio* and the local worldviews

and practices that inform it, to the margins of regulatory power in the living territories of Andean-Amazon. Faced with this problem, we conclude that living territories govern themselves.

The *Derecho Propio* and the *Derecho Ajeno*, that is, the Indigenous Law and the Public and Private Law of the Colombian State, are based on antagonistic ontological premises. On the one hand, the separation of Roman Law between “persons” and “things” and, on the other hand, the constitutive interdependence of all beings as the basis of territorial governance present in Indigenous cosmologies. In probing the evolution of these environmental legal regimes from the *bonanzas* onwards, the chapter focused on three legal persons that have been largely ignored by official legal historiography, or else considered as objects of state (and private) exploitation, research, conservation and management. First, we focus on plants and “invisible beings,” that is, the spiritual owners territorial beings and, particularly, the Yagé plant as the root of the territory; then, we focused on the territory itself as a community of life and, finally, on copper, essential in the current energy transition agendas in the country. After critically describing the evolution of environmental and ecocentric normative milestones, such as the Rights of Nature (RoN), the *Amazonography* introduced a methodological and pedagogical discussion to evaluate the limits and possibilities of this approach – RoN – in the country’s current energy transition plans: the normative management (*manejo territorial*) of the territory *with* the territory as a community of life. The chapter concludes with a reflection on the prospects of what we call eco-legal sovereignties, i.e., a law with all the relations of the territory.

The eco-centric law of the future is yet to be written. Based on this short survey of eco-centric normativities in the Colombian Amazon today, we can outline two general trajectories. The first we may call **expansive**, or the **ecocentric juridification of state law**. We believe there will be a marked tendency to incorporate eco-centric principles into subnational, national, and international levels of law and governance i.e., rights of nature in national constitutions. This trend will not necessarily translate into a material transition towards an ecological civilization that sets precise limits on human action, but it will offer the normative space to bring about a fundamental civilizational change in our relationship with the Earth. However, this scenario may coexist with the ever-expanding extractive frontier in the Amazon region, in search of minerals for the energy transition and similar green development agendas.

A second scenario, which we may call **deepening of *Derecho Propio***, will be about strengthening what we have termed the “territorial logic” that guides governance in Amazonia. This logic is deeply linked to practices of life that consider all beings—human and non-human—not only as subjects of rights as recognized by the state, but also as agents of governance in living, sentient and cognitive territories. This territorial logic will incorporate novel legal methodologies that will take local forms of inherently ecocentric *Derecho Propio* seriously as a factor of territorial change and protection, as well as a strategy to face the expansion of the extractive frontier in the Amazonian region.

CREDITS

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