

Article

The Black Line as Ancestral Indigenous Territory: State Recognition and Legal Insecurity in the Sierra Nevada de Santa Marta, Colombia

Tania Giovanna Vivas-Barrera¹, Daniel Enrique Páez-Saavedra²

¹ PhD in Law. Docente Investigadora na Universidad Católica de Colombia. ORCID: 0000-0002-9105-7330. E-mail: tgivivas@ucatolica.edu.co

² Grado en Derecho. Universidad Católica de Colombia. ORCID: 0009-0008-4327-3523. E-mail: depaez66@ucatolica.edu.co

RESUMEN

La supervivencia de los pueblos indígenas está supeditada al respeto por su cultura, su lengua, sus usos y costumbres; sin embargo, estos elementos no pueden sostenerse sin el vínculo con su territorio ni sin las creencias que estructuran su concepción del mundo. El territorio constituye la base material, espiritual y normativa de su cultura, en tanto espacio donde se articulan sistemas propios de conocimiento, autoridad y regulación social. Los pueblos indígenas que habitan la Sierra Nevada de Santa Marta, Colombia, conciben este territorio como el centro del universo, integrado por lugares sagrados visibles e invisibles conectados por la denominada *Línea Negra*. Esta concepción se funda en una relación espiritual y ecológica con el territorio que entra en tensión con el derecho estatal y los modelos convencionales de gestión territorial. El reconocimiento de este espacio ha seguido un proceso de más de cinco décadas desde su primera delimitación oficial en 1973 para los pueblos *Arhuaco*, *Kogui*, *Wiva* y *Kankuamo*. No obstante, la falta de certeza normativa y de protección efectiva ha generado conflictos socioambientales recurrentes y ha afectado el ejercicio de su autonomía territorial. El estudio reconstruye el proceso histórico y jurídico del reconocimiento de la *Línea Negra* desde una perspectiva interdisciplinaria, analizando su evolución normativa, las decisiones judiciales y la delimitación geográfica reciente. La anulación del Decreto N° 1500 de 2018 por el Consejo de Estado en 2026, seguida de la convocatoria presidencial para expedir un nuevo decreto, evidencia la persistencia de un escenario de inseguridad jurídica que mantiene abierto el debate sobre la protección efectiva del territorio ancestral. En consecuencia, la *Línea Negra* representa una delimitación simbólica y espiritual, además de construir un área cuya definición revela los límites del Estado para garantizar la protección de los derechos colectivos indígenas y la integralidad de sus territorios.

Palavras-chave: línea negra, territorio indígena, consulta previa; inseguridad jurídica; reconocimiento estatal.

ABSTRACT

The survival of Indigenous peoples depends on respect for their culture, language, customs, and traditions; however, these elements cannot be sustained without their connection to territory or the beliefs that structure their worldview. Territory constitutes the material, spiritual, and normative foundation of their culture, as the space in which their own systems of knowledge, authority, and social regulation are articulated. The Indigenous peoples who inhabit the Sierra Nevada de Santa Marta, Colombia, conceive this territory as the center of the universe, composed of visible and invisible sacred sites connected by the so-called *Línea Negra*. This conception is grounded in a spiritual and ecological relationship with the land that creates tensions with state law and conventional models of territorial management. The recognition of this space has followed a process of more than five decades since its first official delimitation in 1973 for the *Arhuaco*, *Kogui*, *Wiva*, and *Kankuamo* peoples. Nevertheless, the lack of legal certainty and effective protection has generated recurrent socio-environmental conflicts and has affected the exercise of their territorial autonomy. This study reconstructs the historical and legal process of recognition of the *Línea Negra* from an interdisciplinary perspective, analyzing its legal evolution, judicial decisions, and recent geographic delimitation. The annulment of Decree No. 1500 of 2018 by the Council of State in 2026, followed by the presidential initiative to issue a new decree, reveals the persistence of a scenario of legal uncertainty that keeps open the debate on the effective protection of the ancestral territory. Consequently, the *Línea Negra* represents not only a



Submissão: 03/03/2026



Aceite: 26/03/2026



Publicação: 18/06/2026



symbolic and spiritual boundary but also a territorial area whose definition exposes the limits of the State's ability to ensure stable protection of Indigenous collective rights and the integrity of their territories.

Keywords: línea negra; indigenous territory; prior consultation; state recognition; legal uncertainty.

Introduction

The Sierra Nevada de Santa Marta constitutes a region of high environmental, geographical, and strategic value. In addition to hosting three national natural parks—the Sierra Nevada de Santa Marta National Park, Tayrona National Park, and Los Flamencos Flora and Fauna Sanctuary (Parques Nacionales Naturales de Colombia, n.d.)—its location and physical characteristics make it a particularly attractive space for the development of tourism, port, and mining projects. Recognized as “the highest coastal mountain in the world, with two snow-capped peaks, one of which reaches 5,775 meters above sea level at 42 kilometers from the Caribbean Sea coast” (Tovar Gálvez 2019, 6), this region concentrates multiple interests regarding land use and exploitation. In this context, the areas encompassed within the Black Line have become subject to increasing economic pressures. The delimitation of this territory not only implies the recognition of a sacred domain for indigenous peoples but also introduces restrictions on the development of large-scale projects. Therefore, its consolidation faces opposition from actors who perceive such protection as a limitation on economic intervention, keeping the judicial debate over its scope ongoing.

The recognition of the Black Line as a sacred space for the Kogui, Wiwa, Arhuaco, and Kankuamo indigenous peoples marks a turning point in the historical relationship between ancestral indigenous communities and the Colombian State. Far from being immediate, this recognition process was prolonged and fragmented, framed by persistent disputes over territorial claims. In this context, the National Government issued Decree 1500 of 2018, through which it ratified and redefined the ancestral territory of the Arhuaco, Kogui, Wiwa, and Kankuamo peoples of the Sierra Nevada de Santa Marta.

The Black Line constitutes a network of sacred sites, both visible and invisible, deeply connected to the spirituality and organizational system of the indigenous peoples of the Sierra Nevada. More than a geographical delimitation, this territorial concept embodies a logic of balance and care for nature aimed at preserving indigenous beliefs, ritual practices, and ancestral knowledge. The spaces that compose it operate in an interrelated manner and enable the articulation of the spiritual, physical, and functional dimensions that sustain the integrity of the Sierra Nevada de Santa Marta. In this sense, its legal recognition transcends political-administrative divisions, spans several departments, and reaffirms a territorial conception that challenges the limits imposed by contemporary state organization.

The Black Line constitutes a territorial configuration that articulates territory, culture, and nature and is fundamental for the continuity of life in these communities. Disputes surrounding its recognition are part of a broader context of territorial conflict across Latin America, given the numerous rulings against States that have violated the right to indigenous collective property and failed to fulfill their obligations of protection and delimitation (Vivas Barrera et al. 2019; Vivas-Barrera et al. 2023).

In the 1970s, the State symbolically recognized the existence of these spaces through Resolution 02 of 1973 issued by the then Ministry of Government, now the Ministry of the Interior, which identified the area as an ethnological and spiritual zone for the indigenous communities of the region. However, this recognition, although formal, lacked institutional consensus, did not complete consultation processes with indigenous communities, and also failed to establish a geographical delimitation that would ensure its effectiveness.

The persistent lack of regulatory certainty and effective recognition continues to generate socio-environmental conflicts and affect the exercise of indigenous autonomy. This situation is compounded by the



granting of licenses for mining extraction projects and large-scale tourism development within the area of influence of the Black Line, which has intensified tensions between the state model of land use and indigenous forms of territorial protection.

The richness of resources and biodiversity of the Sierra, as well as its potential for tourism exploitation, fosters situations of social divergence. In these, different social groups, equipped with their own interests and ideologies, engage in disputes—both over land ownership and its use, as well as access to valuable subsurface resources—leading to the outbreak of social conflicts, which in turn prompt interventions of legal social control directed by the State (Dávila 2023; González-Monguí 2023; Pérez-Salazar and Acevedo 2023; Quiroz Vitale 2023; Silva-García et al. 2024). The State not only resolves conflicts; in intervening, it adopts positions regarding the diversity embedded in every situation of social divergence, either accepting or rejecting it.

In this context, the article reconstructs the historical-administrative process of recognition of the Black Line, examines disputes brought before courts—particularly decisions of the Constitutional Court that have protected indigenous territories over its thirty years of existence (Vivas-Barrera 2023a)—and analyzes political lobbying and other judicial decisions that have shaped its delimitation.

The research questions cultural models from the Global North, often inefficient, which have traditionally been imposed with a colonial bias to describe, interpret, and resolve Latin American issues, despite the substantial differences in social, political, and cultural conditions (Carrington et al. 2016; Navas-Camargo 2020; Silva-García and Pérez-Salazar 2023; Agudelo Giraldo and León Molina 2023; Silva-García and Vizcaíno Solano 2024; Navas-Camargo 2020). More specifically, the issue addressed in this article highlights the relevance of cultural differences, since the diverse conceptions and cosmologies that intersect provide important insight into many aspects of the problem under study. Culture encompasses understandings or conceptions, mores, social practices, and products (Silva-García 2024), and as will be seen regarding the Black Line, its acceptance and recognition—as well as its implementation in the specific aspects mentioned—have faced difficulties derived from cultural variations, which may lead to conflict (Del Percio 2023).

Therefore, this work is also situated within the movement that promotes the development of a socio-legal perspective from the Global South, aligned with the material conditions of Latin America, which critically and innovatively contributes to addressing its challenges (Silva-García and Ortega Ruiz 2023; Carvajal Martínez and Trujillo Osorio 2023; Guadarrama González 2024; Ramírez Sierra 2024; Silva-García and Pérez-Salazar 2025; Silva-García 2025). Furthermore, it should aim at the protection of fundamental rights, especially those of the most vulnerable population groups (Vergel Barrera and Martínez Muñoz 2021; Beltrán Cárdenas 2022; Navas-Camargo et al. 2022; Silva-García and Ávila-Cano 2022; Gómez Jaramillo and Tinoco Ordóñez 2023; García Jiménez et al. 2024), which is evident in this case, since the indigenous populations of the Sierra represent highly vulnerable groups and the rights involved are essential for their survival and development.

However, although the issue is fundamentally related to the definition of the geographical area by central and local political authorities, the current judicial debate has focused on the absence or ineffectiveness of the fundamental right to prior consultation with indigenous communities that have ancestrally inhabited the Sierra Nevada, as recognized by Colombian constitutional law (Vivas Barrera et al. 2019; Vivas-Barrera et al. 2023).

Methodology

This study adopts the socio-legal case analysis methodology with the purpose of reconstructing the historical process of legal recognition of the geographical area protected as the Black Line, recently delimited by indigenous communities through its geographical and cartographic definition. The analysis examines the legal background, the progress in its recognition, and the disputes arising from the granting of local licenses that have enabled the development of ambitious mining extraction and large-scale tourism projects in the



territory, frequently to the detriment of the right to prior consultation of indigenous peoples due to the absence of an official delimitation as an area of impact on protected indigenous territories. Likewise, the study incorporates a jurisprudential analysis that supports the research.

Discussion

The case of the Black Line makes it possible to observe the limits of state recognition of indigenous territorial autonomy in Colombia, particularly in contexts marked by extractive pressures and disputes over land use. Following the 1991 Constitution, the rights of indigenous peoples—especially territorial autonomy—have undergone a process of strengthening, largely driven by the judicialization of their protection mechanisms. However, the case of the Arhuaco, Kogui, Wiwa, and Kankuamo indigenous peoples, ancestrally located in the Sierra Nevada de Santa Marta (hereinafter SNSM), shows that such recognition is far from fully effective.

The protection of their territories and respect for their territorial autonomy have given rise to persistent controversies associated with the expansion of infrastructure projects, the growth of the hotel industry, and the impacts of the internal armed conflict, with their territories even being subjected to control due to their use as land cultivated with coca leaf and as mined areas for protection purposes (Vivas-Barrera and González-Gómez 2024, 2026). As a result, the geographical space occupied by indigenous peoples has become a central scenario of judicial and governmental debates, revealing structural tensions between state development models and indigenous forms of territorial organization.

The indigenous peoples of the SNSM have maintained, based on a legal document from 1973, a historical claim aimed at the definitive recognition and constitutional protection of a geographical space that transcends conventional administrative boundaries, connected by an “invisible thread” (CTC 2015, para. 1.3.1.a). This territory, called in Spanish *Línea Negra*, expressed as *Séshizha* in the Kággaba language (Kogui people), *Shetana Zhiwa* in the Damana language (Wiwa people), and *Seykutukunumaku* in the Iku language (Arhuaco people) (CTC 2015, para. 1.3.1.a), constitutes a network of sacred sites that articulates their worldview and structures their territorial organization.

The drafting of the so-called *Mother Document* in 2015, the result of two years of joint work among the four indigenous peoples, represents an effort to systematize this territorial conception and provide it with legal intelligibility before the State. The document not only identifies the sacred reference points but also presents the ancestral foundations for their existence and the need for their protection.

From this perspective, the Black Line is conceived as a “sacred territory or fabric,” whose preservation implies the collective responsibility of safeguarding both sacred and ceremonial spaces as well as marine and lagoon territories (CTC 2015, para. 1.3.2.a). Likewise, the document states that “the Sierra Nevada is the heart of the world,” as the origin of an energy that connects with other spaces through the Black Line itself (CTC 2015, para. 1.3.2.a), thereby providing a cosmological framework that reinforces the indivisibility between territory, spirituality, and social order.

From this perspective, this territorial conception places tension on conventional legal categories of the State, whose logic of spatial delimitation is insufficient to encompass the symbolic and functional totality that indigenous peoples attribute to the Black Line, understood, according to their worldview, as the space where “the creation of the world” took place (CTC 2015, para. 1.3.2.a).

Geographical Delimitation of the Black Line and Its Legal Boundaries

Resolution 02 of 1973 of the Ministry of Government (Resolution No. 002 of 1973. By which the Black Line or Theological Zone of the indigenous communities of the Sierra Nevada de Santa Marta is demarcated,



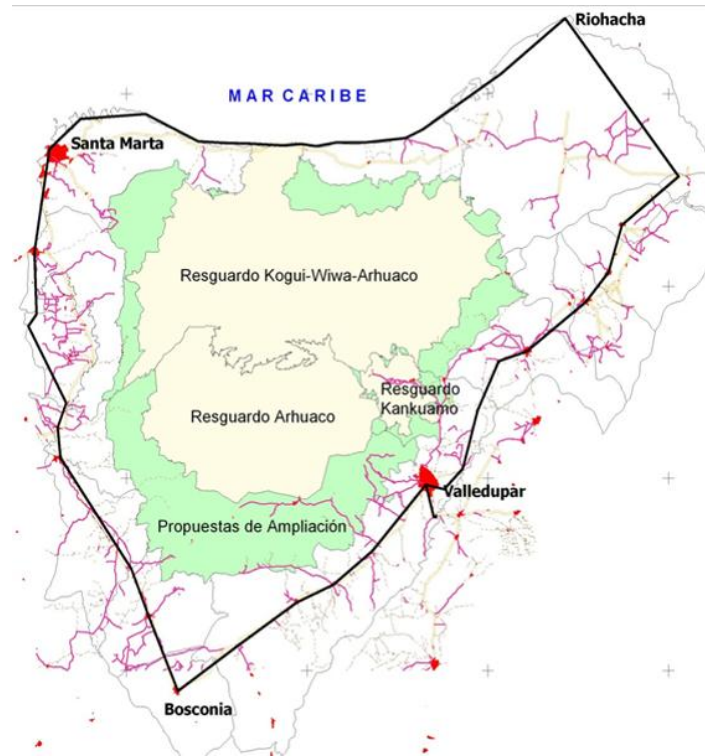
1973, art. 1) established an initial state approach to the delimitation of the Black Line by identifying reference points intended to demarcate its extent. However, this delimitation relied on a fundamentally symbolic representation and lacked a precise geographical location of the territory, which already revealed the State's difficulties in translating an integral indigenous territoriality into spatial categories.

Based on the information contained in Resolution 02 and the demarcation of the resguardo territories of the four indigenous peoples, the Tayrona Indigenous Confederation—an organization that brings together the Arhuaco, Kogui, and Wiwa peoples—promoted the development of a cartographic representation of the Black Line by connecting the reference points identified therein. This exercise not only sought to provide greater territorial intelligibility to the delimitation but also to reinforce claims for recognition within a state system that has historically operated under logics of spatial fragmentation.

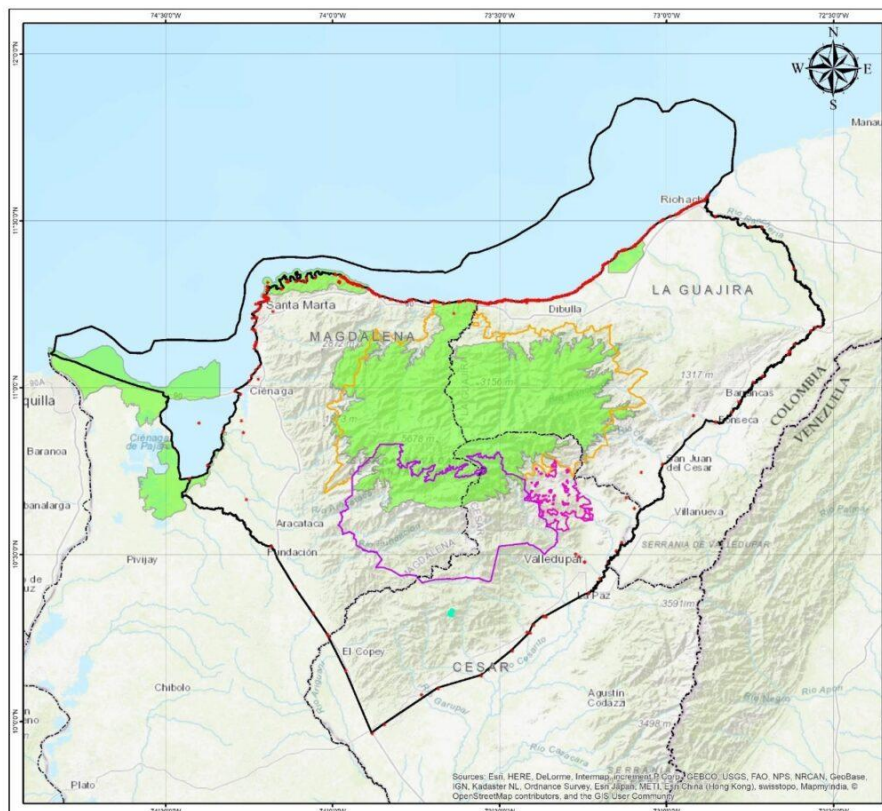
Map 1 corresponds to a territorial representation developed by the Tayrona Indigenous Confederation as an autonomous effort to protect ancestral territory. Created without specialized cartographic resources, the drawing primarily seeks to connect the reference points associated with sacred sites and to make visible a space recognized by the communities as their own. More than a technical delimitation, this projection reflects an act of territorial affirmation and demonstrates indigenous initiative in anticipating protection mechanisms in the absence of a precise state definition.

This second representation shows a more structured effort to provide spatial clarity to the Black Line (Map 2). The projection toward the sea allows for a clearer identification of the extent of the protected territory and facilitates its understanding as a geographical unit. Although the map still falls within a context of technical limitations, it reveals progress in the attempt to translate indigenous territoriality into a more recognizable cartographic language, thereby reinforcing the demand for legal protection and formal delimitation.

Four decades later, Decree 1500 of 2018 issued by the Ministry of the Interior redefined the ancestral territory of the Arhuaco, Kogui, Wiwa, and Kankuamo peoples of the Sierra Nevada de Santa Marta, recognizing it, within the system of sacred spaces of the Black Line, as a traditional sphere of special protection, endowed with spiritual, cultural, and environmental value, in accordance with the principles and foundations of the Law of Origin (Decree No. 1500. By which the ancestral territory of the Arhuaco, Kogui, Wiwa, and Kankuamo peoples of the Sierra Nevada de Santa Marta is redefined, 2018). This act represented a significant step forward in state recognition of indigenous territoriality by incorporating dimensions that go beyond the mere physical delimitation of space.



Ancestral territory of the four indigenous peoples of the SNSM. Source: Tayrona Indigenous Confederation (CIT 2020)



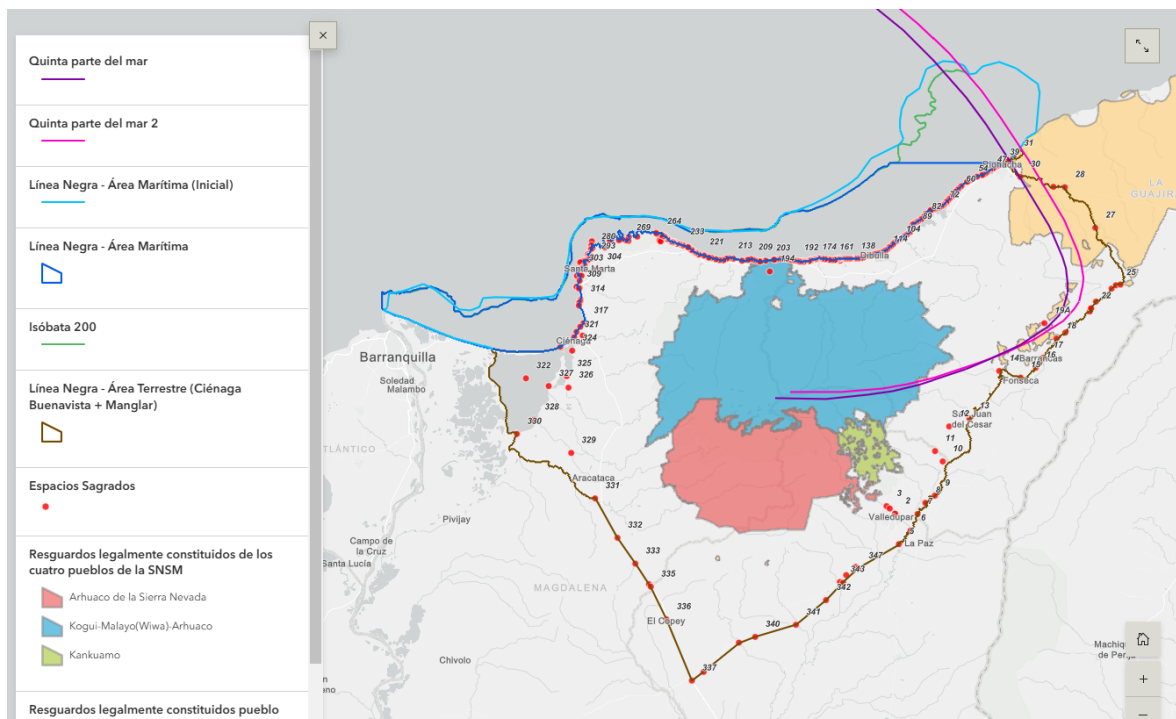
Map 2. Black Line of the Sierra Nevada de Santa Marta. Source: Tayrona Indigenous Confederation (CIT 2020)

Four decades later, Decree 1500 of 2018 issued by the Ministry of the Interior redefined the ancestral territory of the Arhuaco, Kogui, Wiwa, and Kankuamo peoples of the Sierra Nevada de Santa Marta, recognizing it, within the system of sacred spaces of the Black Line, as a traditional sphere of special protection,



endowed with spiritual, cultural, and environmental value, in accordance with the principles and foundations of the Law of Origin (Decree No. 1500. By which the ancestral territory of the Arhuaco, Kogui, Wiwa, and Kankuamo peoples of the Sierra Nevada de Santa Marta is redefined, 2018). This act represented a significant step forward in state recognition of indigenous territoriality by incorporating dimensions that go beyond the mere physical delimitation of space.

Article 11 of the Decree established the identification of 348 sacred sites as reference points for the delimitation of the territory; however, cartographic representation remained a pending task in order to precisely determine the extent of the protected geographical area. Consequently, Article 5 entrusted the Agustín Codazzi Geographic Institute (IGAC) with the preparation of the official cartography based on these reference points, as shown in Map 3.



Map 3. Official cartography based on the 348 sacred sites recognized by Decree No. 1500 of 2018. Source: Agustín Codazzi Geographic Institute (IGAC 2023)

The representation also shows the delimitation of the resguardo territories of the Arhuaco, Kogui, and Kankuamo peoples, whose extent is notably smaller than the space projected by the Black Line. Both the terrestrial extension and the coastal and maritime projection exceed the legal boundaries of the resguardos, revealing that the area conceived as protected is not limited to formally titled territories. This difference reinforces the idea that indigenous territoriality operates under a broader spatial logic than that recognized by the State's administrative categories, providing greater clarity on the true dimension of the space intended to be protected.

According to the cartographic representation in Map 3, the Black Line encompasses “the terrestrial, coastal, and marine sacred spaces of the system of sacred sites” (IGAC 2023) and extends over “part of the departments of La Guajira, Magdalena, and Cesar; comprising 348 sacred sites, 25 municipalities, 3 indigenous resguardos, 3 national parks, towns, rivers, and part of the sea” (IGAC 2023). This territorial scope shows that the space



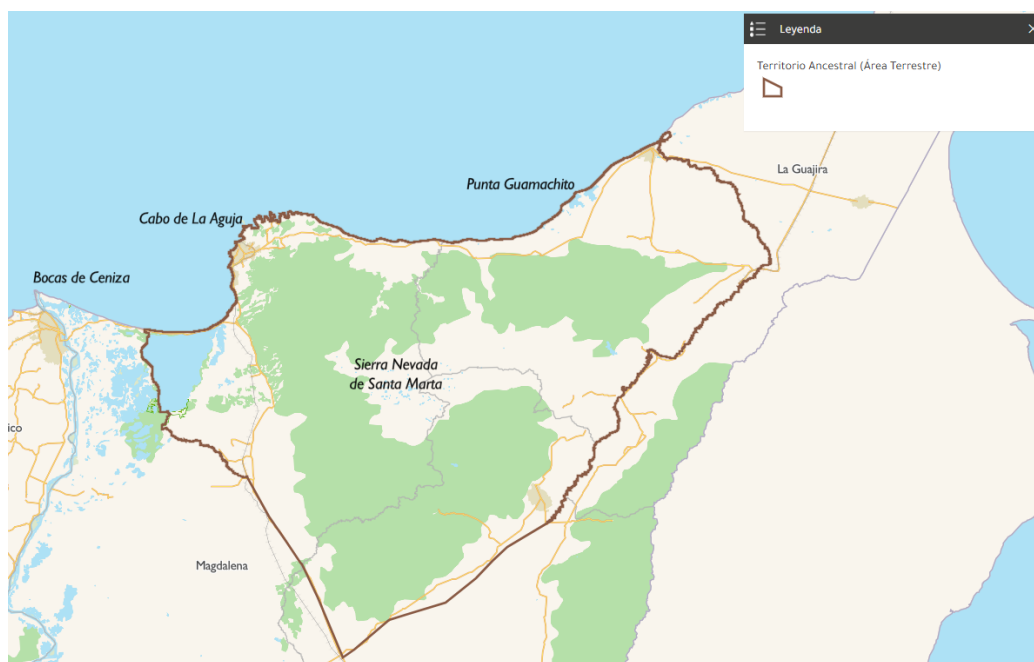
conceived as protected goes beyond the areas formally recognized as *resguardos*, which appear located in the central zone of the map.

Rather than establishing a boundary, this spatial configuration shows that the *resguardos* operate as core areas within a broader territoriality whose protective logic integrates both terrestrial and maritime domains. Indeed, the incorporation of coastal and marine spaces is particularly revealing, as it challenges a legal tradition that has tended to conceive indigenous territory in predominantly land-based terms.

In the official presentation of the Black Line cartography, the IGAC defines it as “a spiritual, dynamic, and holistic delimitation of the territory, where geographical features or landmarks—considered sacred by indigenous peoples—are connected” (IGAC 2023). It further specifies that it is “a geo-referential space defined by a polygon that represents a determined area and not a set of unconnected places” (IGAC 2023). These definitions are particularly revealing, as they demonstrate the institutional effort to incorporate a territorial conception that goes beyond strictly physical criteria of delimitation.

The resulting cartographic systematization distinguishes terrestrial and maritime areas, identifies sacred sites, and ultimately integrates these elements into a unified representation of the ancestral territory through the connection of all georeferenced points (Maps 4 to 8). It is presented progressively: Map 4 delineates terrestrial areas; Map 5 shows the maritime extension; Map 6 identifies sacred sites; Map 7 integrates the ancestral area; and Map 8 articulates the georeferenced points into a unified representation of the territory. This sequence not only organizes the spatial interpretation of the Black Line but also consolidates a geographical basis for its recognition.

More than a technical exercise, this systematization provides a coherent spatial foundation for the legal recognition of the Black Line and reduces the ambiguity that had characterized its delimitation for decades. In this sense, the cartographic clarity achieved—half a century after the beginning of its recognition—not only strengthens the geographical understanding of the territory but also consolidates the conditions for its legal protection.



Map 4. Ancestral Territory (Terrestrial Area). Source: Agustín Codazzi Geographic Institute (IGAC 2024)



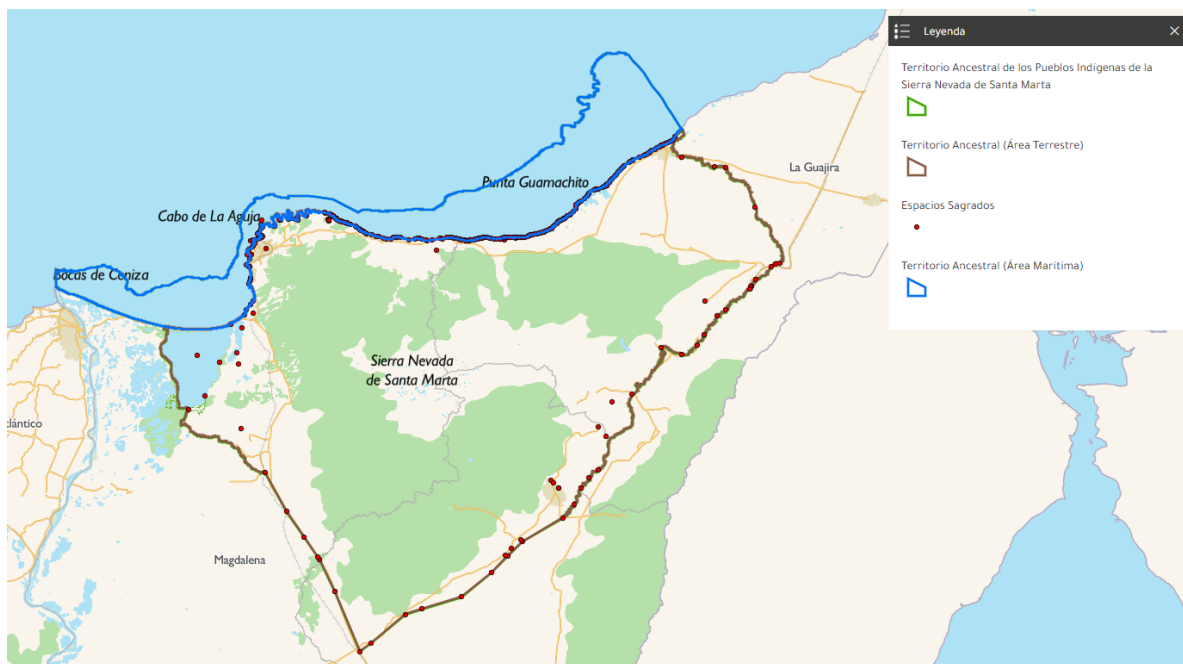
Map 5. Ancestral Territory (Maritime Area). Source: Agustín Codazzi Geographic Institute (IGAC 2024)



Map 6. Sacred Sites. Source: Agustín Codazzi Geographic Institute (IGAC 2024)



Map 7. Ancestral Territory of the Indigenous Peoples of the Sierra Nevada de Santa Marta. Source: Agustín Codazzi Geographic Institute (IGAC 2024)



Map 8. Ancestral Territory. Terrestrial area, maritime area, and sacred sites of the Indigenous Peoples of the Sierra Nevada de Santa Marta. Source: Agustín Codazzi Geographic Institute (IGAC 2024)

Prior Consultation of Indigenous Peoples in the Colombian Model

The right to prior consultation in Colombia is grounded in Convention 169 of the International Labour Organization (ILO), incorporated into the constitutional bloc through the jurisprudence of the Constitutional Court, particularly since Judgment SU-039 of 1997, in which it was established that the participation of indigenous peoples in decisions affecting them is not a discretionary power of the State, but a legal duty aimed at guaranteeing their autonomy and the preservation of their cultural, social, and economic integrity. Although this mandate was already implicit in the 1991 Constitution, especially in Article 330, the Court reinforced its scope through the incorporation of international human rights standards, consolidating prior consultation as a



mandatory mechanism in relation to measures likely to directly affect indigenous communities. This development was later systematized in Judgment C-175 of 2009, in which its nature as a fundamental right was recognized and its substantive and procedural dimensions were specified (Vivas Barrera et al. 2019; Vivas-Barrera et al. 2023).

However, in the case of the Black Line, prior consultation cannot be understood solely as a procedural requirement whose omission compromises the formal validity of administrative acts, since its scope directly affects the very definition of the legally recognized territory. Indeed, when the State delimits the protected area without incorporating indigenous forms of territorial understanding, it not only disregards a right to participation, but also redefines the content of the territory based on parameters external to its cultural, spiritual, and functional meaning, producing a fragmentation between the lived territory and the regulated territory.

In this context, prior consultation operates as a mechanism that conditions not only the legitimacy of the State's decision but also the stability of the legal recognition of indigenous territory. Its absence or defective implementation, as evidenced by the annulment of Decree No. 1500 of 2018, not only results in the invalidity of the administrative act but also recurrently reopens the debate on the delimitation of the protected space, creating a scenario of legal uncertainty that prevents the consolidation of a stable framework of territorial protection. In this way, the controversy surrounding the Black Line is not limited to the discussion of its geographical boundaries, but reveals a deeper tension between the State's attempt to define territory through administrative categories and the dynamic, relational, and integral nature through which indigenous peoples conceive and inhabit their ancestral space.

Results

The historical-normative analysis makes it possible to affirm that the recognition of the Black Line has not resulted from an isolated legal act, but rather from a progressive process of institutionalization marked by tensions between indigenous forms of territorial understanding and state mechanisms of spatial regulation. This trajectory highlights the transition from an initially symbolic delimitation toward an increasingly precise process of legal territorialization, although still subject to controversy. More than a succession of normative milestones, the development of this figure shows how an ancestral claim has been transformed into a legal issue of national scope, largely driven by administrative intervention and the judicialization of the territorial conflict.

Historical Process of Recognition and Judicialization of the Black Line

The normative and judicial trajectory of the Black Line reveals a process of progressive institutionalization that has shifted its recognition from the symbolic sphere toward an increasingly precise territorial delimitation, although still subject to controversy. This development unfolds in four stages:

The Spanish Conquest and the Colonial

During the conquest and the colonial period, Spanish occupation disrupted the traditional forms of territorial organization of indigenous peoples, marking the beginning of a prolonged process of territorial dispute.

Symbolic Stage (1973–1995)



1973

The Colombian State, through the Ministry of Government and Resolution 02 of 1973, demarcated the Black Line for the first time as a theological zone through reference points considered territorial boundaries.

1991

The new Constitution recognized the ethnic and cultural diversity of the Nation, and Colombia ratified ILO Convention 169 through Law 21 of 1991, strengthening the legal framework for the protection of indigenous territorial rights.

1995

Resolution 837 of 1995 issued by the Ministry of the Interior symbolically redefined the Black Line through a radial delimitation based on 54 geographical features and peripheral landmarks considered sacred sites.

Constitutional and Judicialization Stage (1991-2014)

2010

In Judgment T-547 of 2010, the Constitutional Court protected the fundamental rights of the indigenous peoples of the Sierra Nevada de Santa Marta, particularly their right to participate in decisions affecting them, when examining the impacts of a port project on sacred sites. In this ruling, the Court recognized the existence of “a close relationship with their environment, beyond the formal boundaries of their territories, and that measures likely to produce appreciable effects in areas of the territory” (Judgment T-547 of 2010, § 4.2.2.), warning that such measures must be taken into account.

2011

In Judgment T-693 of 2011, the Court held that the protection of indigenous territory extends to sacred areas or areas of special cultural importance even when located outside resguardos, in a case related to the construction of pipelines affecting the Achagua and Piapoco peoples (Judgment T-693 of 2011, § 4.5.3.2.).

2013

Through Order 189 of 2013, issued in follow-up to Judgment T-547 of 2010, the Court urged the National Government to review and update existing resolutions in order to redefine the Black Line (Order 189 of 2013, operative section, Seventh).

2014

Judgment T-849 of 2014 classified the Black Line as a zone of special protection (Judgment T-849 of 2014, § 6.2.9.) and warned about the incompatibility of granting concessions for the extraction of construction materials in the area without completing the prior consultation procedure.

2015

The Territorial Confederation of Indigenous Cabildos of the Sierra Nevada de Santa Marta (CIT) published the *Mother Document of the Black Line* (CTC 2015), the result of an inter-consultation process among the four indigenous peoples, in which the Black Line is presented as “an inter-legal translation of the ancestral and



traditional thought of the peoples of the SNSM regarding their territory” (Amicus Curiae in annulment action of Decree 1500, 2020).

Territorial Delimitation Stage (2018–Present)

2018

The Ministry of the Interior issued Decree 1500 of 2018, through which it ratified and redefined the ancestral territory of the Arhuaco, Kogui, Wiwa, and Kankuamo peoples, recognizing 348 sacred sites and ordering the Agustín Codazzi Geographic Institute (IGAC) to produce official cartography.

2019

An annulment action was filed against Decree 1500 of 2018 before the Council of State, based, among other arguments, on its alleged irregular issuance. The claim alleged violation of the fundamental right to prior consultation, lack of competence of the President of the Republic to adopt such a measure, and infringement of constitutional and legal powers of territorial entities. It also invoked impacts on public and private property rights and the failure to comply with normative technical requirements applicable to administrative acts.

2023

The IGAC delivered and published the official cartography of the Black Line, in compliance with Decree 1500 and prior judicial orders.

2024

The Special Jurisdiction for Peace (JEP) recognized as victims the ancestral territory of the Sierra Nevada de Gonawindua (Sierra Nevada de Santa Marta) and the Iku (Arhuaco), Kággaba (Kogui), Wiwa, and Kankuamo peoples in Case 09 (Case 09, 2022).

2026

On February 12, 2026, the Council of State annulled Decree 1500 of 2018 “upon finding proven the charges of: (i) false motivation, since at the time of issuance there was no official cartography of the Black Line; and (ii) irregular issuance for failing to complete the prior consultation procedure with indigenous and Afro-Colombian communities located within the polygon of the Black Line, and for not complying with the normative technical standards required for administrative acts” (Single-instance judgment. Annulment action Decree No. 1500, 2026). It should be noted that prior consultation has been established as an essential guarantee in many Latin American countries (Pérez Álvarez 2024), making any precedent that omits it inadmissible.

On February 23, the President of the Republic, Gustavo Petro, called upon all indigenous peoples of the SNSM to attend, on March 1, the signing of a new decree that will recognize the Black Line (Presidency of the Republic of Colombia, 2026).



Analysis

In the issue under discussion, the environmental dimension occupies a central place. Colombia tends to define itself as an ecological State, in line with international agreements on the matter (Aguilar Cavallo 2024). However, the predatory actions of illegal armed groups involved in drug trafficking accelerate deforestation and the contamination of water sources; illegal extractive activities threaten sustainability (Silva-García and Bonilla Uyuban 2023); and the actions of settlers who clear forests to expand the agricultural frontier disrupt ecosystem balance. All of this renders ecological discourse largely rhetorical.

Nevertheless, the indigenous communities of the SNSM, in connection with the environmental significance of the Black Line, constitute the greatest guarantee for environmental protection in the Sierra, as their cultural worldview reflects a relationship of communion with the environment that safeguards its integrity through rational resource use. The environmental protection resulting from the defense of indigenous territory has already produced effective results in other Colombian contexts (Llano Franco and Velasco Cano 2023; Vivas Barrera and Chávez Hernández 2018).

At the same time, within Colombian constitutionalism, the possibility of recognizing geographical features as subjects of rights rather than mere objects of legal protection (Sánchez Jaramillo 2022; Barreto and Moreno González 2023) strengthens the hypothesis of conceiving the SNSM itself as a rights-bearing entity, which would have immediate positive implications for environmental protection. As shown, most advances in the recognition of indigenous rights in the Sierra have resulted from judicial interventions. One may even speak of a reverse influence—of indigenous cosmovision on Constitutional Court reasoning (Guadarrama González and Martínez Dalmau 2023). The role of judges in shaping law, when aligned with fundamental and human rights, constitutes an effective and progressive political mechanism for protecting vulnerable groups (Vivas-Barrera 2023b; Silva-García 2001).

The demarcation of ancestral territories remains one of the most controversial issues in the protection of indigenous peoples in Latin America. Although constitutional recognition in Colombia has existed since 1991, the case of the Black Line shows that effective protection depends largely on precise boundary definition and institutional capacity to enforce it. When these conditions are absent, judicialization becomes a central mechanism of territorial defense.

The georeferenced delimitation process of the Black Line confirms that legal recognition has not been linear or free of tension. Despite its first official recognition in 1973, consolidation continues to face resistance linked to economic interests and competing land-use models. The controversy surrounding Decree 1500 of 2018, ultimately annulled in 2026, reveals both the fragility of state instruments used to formalize recognition and the regulatory precariousness of the process.

The annulment decision, based on the absence of official cartography and the lack of prior consultation, opens a new scenario of legal uncertainty rather than closing the debate. It suspends decades of territorial claims and requires restarting the process under new institutional and political conditions. The subsequent presidential call to issue a new decree underscores the persistence of the conflict and the difficulty of reaching a stable legal solution.



Contemporary discussions on security in Latin America go beyond public order, incorporating environmental sustainability as a core element. The situation in the SNSM is closely linked to this shift. Ongoing violence and armed conflict remain a serious concern, with even natural parks being closed in early 2026. Given that armed conflict is a major environmental risk factor, innovative protection mechanisms are required. Strengthening indigenous territorial authority through the Black Line may serve as an effective strategy to reduce exposure to violence.

Conclusion

Beyond the judicial outcome, the trajectory of the Black Line—driven by the Arhuaco, Kogui, Wiwa, and Kankuamo peoples—reveals the limits of state categories in understanding territorialities that do not conform to purely administrative or cartographic criteria. Far from being merely symbolic, the Black Line has emerged as an integral territorial space that articulates cultural, spiritual, and environmental dimensions, challenging traditional frameworks of territorial governance and conventional notions of spatial sovereignty.

In this sense, the case demonstrates that effective recognition of territorial pluralism requires rethinking how the State defines, delimits, and protects territory. The challenge lies not only in recognition but in developing mechanisms capable of engaging with different normative conceptions of the relationship between community, nature, and territory. The persistence of conflict after decades of legal and judicial interventions indicates that the issue is structural rather than purely legal. The case ultimately exposes the State's difficulties in fulfilling its constitutional commitments to protect ethnic diversity, particularly when these commitments conflict with development models based on the exploitation of environmentally sensitive and culturally protected territories, generating recurring scenarios of legal insecurity.

Bibliography

Agudelo Giraldo OA, León Molina JE 2023. Una devaluación del mito eurocéntrico sobre la universalidad de los derechos humanos: la sospecha latinoamericana. *Revista Científica General José María Córdova* 21(44):986-1004.

Aguilar Cavallo G 2024. El Estado ecológico de derecho y el acceso a la información en el Acuerdo de Escazú. *Novum Jus* 18(1):355-377. Available from: <https://doi.org/10.14718/NovumJus.2024.18.1.12>

Amicus Curiae en demanda de nulidad del Decreto 1500 No. 11001032400020190026200. Consejo de Estado, Sala de lo Contencioso Administrativo, Sección Primera, 11 nov 2020. Available from: https://www.dejusticia.org/wp-content/uploads/2020/12/Dejusticia_Coadyuvancia-Li%CC%81nea-Negra_11112020_RRSS.pdf

Auto 189 2013. Corte Constitucional de Colombia, 2 sep 2013.

Barreto V, Moreno González LV 2023. La naturaleza como sujeto de derechos en el constitucionalismo democrático. *Novum Jus* 17(3):455-464. Available from: <https://doi.org/10.14718/NovumJus.2023.17.3.16>

Becerra D, Cárdenas F 2025. El camino hacia un nuevo paradigma: la sostenibilidad como eje transformador en el derecho contemporáneo. *Novum Jus* 19(1):267-291.

Beltrán Cárdenas LA 2022. Delito y subcultura carcelaria: ¿cómo minimizar el proceso de desocialización? *Novum Jus* 16(1):99-113.



Caballero-Calderón E 1954. *Siervo sin tierra*. Ediciones del Alcázar, Madrid.

Carrington K, Hogg R, Sozzo M 2016. Southern criminology. *British Journal of Criminology* 56(1):1-20.

Carvajal Martínez JE, Trujillo Osorio OJ 2023. Protesta social en América Latina: análisis desde la divergencia como categoría de la criminología del Sur Global. *Nuevos Paradigmas de las Ciencias Sociales Latinoamericanas* 14(27):185-214.

Caso 09 2022. Crímenes no amniables cometidos contra pueblos y territorios étnicos en el marco del conflicto armado colombiano. Jurisdicción Especial para la Paz, 13 sep 2022. Available from: <https://www.jep.gov.co/macrocasos/caso09.html>

Confederación Indígena Tayrona 2020. Línea Negra de la Sierra Nevada de Santa Marta. Available from: <https://confetayrona.org/linea-negra-de-la-sierra-nevada/>

Cruz Chavarro N, Arévalo Robles GA 2021. Cumbres indígenas: política y diplomacia ancestral en América Latina. *Novum Jus* 15(1):133-160.

Consejo Territorial de Cabildos Indígenas de la Sierra Nevada de Santa Marta 2015. Documento Madre - Línea Negra - Jaba Séshizha - de los cuatro pueblos indígenas de la Sierra Nevada de Santa Marta. Convenio TDTG-SCTO-24-210-05-15. Available from: https://justiciaambientalcolombia.org/wp-content/uploads/2022/08/DOCUMENTO-MADRE-Linea-Negra-Final-Dic10_2015.pdf

Dávila LF 2023. Cuando dos puntos se alejan: desviación, divergencia y órdenes sociales amalgamados. *Nuevos Paradigmas de las Ciencias Sociales Latinoamericanas* 14(27):75-102.

Dávila LF 2025. Seguridad humana: recepción y mutación de un concepto en América Latina. *Novum Jus* 19(3):12-23.

Decreto 1500 2018. Por el cual se redefine el territorio ancestral de los pueblos Arhuaco, Kogui, Wiwa y Kankuamo de la Sierra Nevada de Santa Marta. Available from: <https://www.suin-juriscol.gov.co/viewDocument.asp?ruta=Decretos/30035809>

Del Percio E 2023. Divergencia: inquietantes manifestaciones del amor, el sexo, el derecho y otras instituciones. *Nuevos Paradigmas de las Ciencias Sociales Latinoamericanas* 14(27):7-36.

García Jiménez S, Ostau de Lafont de León FR, Niño Chavarro Á 2024. La migración y sus implicaciones en el mundo del trabajo en Colombia. *Novum Jus* 18(3):281-306.

Gómez Jaramillo A, Tinoco Ordóñez P 2023. El traslado por protección. Un eufemismo para neutralizar a los repulsivos y peligrosos. *Novum Jus* 17(3):373-400.

González Monguí PE 2023. Divergencia social, selectividad e inmunidad en la aplicación del derecho penal. *Nuevos Paradigmas de las Ciencias Sociales Latinoamericanas* 14(27):37-74.

Instituto Geográfico Agustín Codazzi 2023. Línea Negra. Available from: <https://storymaps.arcgis.com/stories/5027b6ae74764516ac27029969d23842>



Instituto Geográfico Agustín Codazzi 2024. Colombia en mapas. Available from: <https://www.colombiaenmapas.gov.co>

Llano Franco JV 2023. Diversidad, pluralismo, divergencia y multiculturalismo: el movimiento indígena por el reconocimiento en Colombia. *Nuevos Paradigmas de las Ciencias Sociales Latinoamericanas* 14(27):243-272.

Llano Franco JV, Velasco Cano N 2023. El derecho al territorio indígena: protección internacional y reivindicaciones locales. *Novum Jus* 17(3):401-429.

Navas Camargo F 2020. El sur global y la realidad social de América Latina: hacia la construcción de nuevos paradigmas. *Novum Jus* 14(2):11-21.

Navas-Camargo F 2022. Reflexiones en torno a la cotidianidad e integralidad de los derechos humanos. *Novum Jus* 16(1):23-50.

Navas Camargo F 2024. Sobre la conceptualización de la estrategia militar en Colombia y el conflicto armado. *Revista Latinoamericana de Sociología Jurídica* 6(9):67-89.

Pardo Ballesteros MF 2021. Cláusula Martens: una oportunidad para la protección del ambiente en los conflictos armados. *Novum Jus* 15(edición especial):155-180.

Parques Nacionales Naturales de Colombia s.f. Parque Nacional Natural Sierra Nevada de Santa Marta. Available from: <https://www.parquesnacionales.gov.co/nuestros-parques/pnn-sierra-nevada-de-santa-marta/>

Pérez Álvarez C 2024. La consulta previa como derecho de los pueblos indígenas: el caso venezolano en derecho comparado. *Novum Jus* 18(3):127-154.

Pérez-Salazar B, Acevedo LM 2023. Acción social y derecho. In Silva-García G. *Tratado latinoamericano de sociología jurídica*. ILAE, Bogotá, p. 147-190.

Presidencia de la República de Colombia 2026. Presidente Petro convoca a la unidad indígena para firmar nuevo decreto de la Línea Negra en la Sierra Nevada. Available from: <https://www.presidencia.gov.co/prensa/Paginas/Presidente-Petro-convoca-a-la-unidad-indigena-para-firmar-nuevo-decreto-de-la-Linea-Negra-en-la-Sierra-260223.aspx>

Quiroz Vitale MA 2023. Divergencia y desviación como categorías del pensamiento criminológico. *Nuevos Paradigmas de las Ciencias Sociales Latinoamericanas* 14(27):215-242.

Ramírez Sierra JC 2024. Sobre la justicia en la filosofía política de Leopoldo Zea. *Cultura Latinoamericana* 39(1):140-154.

Resolución 002 1973. Por la cual se demarca la Línea Negra o Zona Teológica de las comunidades indígenas de la Sierra Nevada de Santa Marta. Available from: <https://confetayrona.org/wp-content/uploads/2020/07/Resoluci%C3%B3n-002-de-1973-L%C3%ADne-Negra.pdf>

Sánchez Jaramillo JF 2022. Colombia: la naturaleza como sujeto de derechos: entre el activismo y la contención. *Novum Jus* 16(3):189-218. Available from: <https://doi.org/10.14718/NovumJus.2022.16.3.8>



Sentencia de única instancia. Demanda de nulidad Decreto 1500 No. 11001-03-24-000-2019-00262-00. Consejo de Estado, Sala de lo Contencioso Administrativo, Sección Primera, 12 feb 2026.

Sentencia T-547 2010. Corte Constitucional de Colombia, 1 jul 2010. Available from: <https://www.corteconstitucional.gov.co/relatoria/2010/t-547-10.htm>

Sentencia T-693 2011. Corte Constitucional de Colombia, 23 sep 2011. Available from: <https://www.corteconstitucional.gov.co/RELATORIA/2011/T-693-11.htm>

Sentencia T-849 2014. Corte Constitucional de Colombia, 1 jul 2010. Available from: <https://www.corteconstitucional.gov.co/relatoria/2014/t-849-14.htm>

Silva-García G 2001. El mundo real de los abogados y de la justicia. La administración de justicia. Tomo III. Externado, ILSA, Bogotá.

Silva-García G, Ávila Cano V 2022. Control penal y género ¡Baracunátana! Una elegía al poder sobre la rebeldía. *Revista Criminalidad* 64(2):23-34.

Silva García G, Pérez Salazar B 2023. La evaluación de la investigación publicada en libros y su impacto en la educación superior colombiana. *Revista de Pedagogía Universitaria y Didáctica del Derecho* 10(2):101-120. Available from: <https://revistas.uchile.cl/index.php/RPUD/article/view/71285>

Silva García G, Ortega Ruiz LG 2023. ¿Por qué se aprueban las normas jurídicas en el Congreso? Análisis socio-jurídico de la creación de las normas. *Revista Republicana* 35:133-150.

Silva-García G, Bonilla Uyaban DM 2023. La sostenibilidad en el análisis criminológico. El caso de la minería carbonífera en Boyacá. *Via Inveniendi et Iudicandi* 18(2):270-292.

Silva García G, Vizcaíno Solano A 2024. El baile de los que sobran. Profesión jurídica: poder político y exclusión en Colombia. *Via Inveniendi et Iudicandi* 19(1):25-51.

Silva-García G, Vizcaíno Solano A, Pérez-Salazar B 2024. The debate concerning deviance and divergence: a new theoretical proposal. *Oñati Socio-Legal Series* 14(2):505-529.

Silva-García G 2024. Crisis y transformaciones en el control social penal en el contexto de la cultura jurídica colombiana. *Cultura Latinoamericana* 39(1):156-192.

Silva-García G, Pérez-Salazar B 2025. The distortions of mainstream criminology in the Global North: towards a Southern criminological worldview. *Novum Jus* 19(1):393-418.

Silva-García G 2025. Entre a submissão e a descolonialidade: cultura de descumprimento de regras ou conflito de cumprimento. *Nuevos Paradigmas de las Ciencias Sociales Latinoamericanas* 16(32):39-78.

Silva-García G, Pérez-Salazar B, González Monguí PE 2025. La Paz Total. ¿El crimen sí paga? Percepciones del conflicto y la negociación en Colombia. *Revista Chilena de Derecho y Ciencia Política* 16(1):1-24.

Tovar Gálvez AC 2019. Conflictos territoriales en la Sierra Nevada de Santa Marta: territorio ancestral de la Línea Negra. Tesis, Pontificia Universidad Javeriana.



Vergel Barrera MD, Martínez Muñoz LX 2021. Mujer indígena, desigualdad social y quebrantamiento de sus derechos. *Novum Jus* 15(1):251-275.

Vivas Barrera TG, Chávez Hernández E 2018. Responsabilidad de las empresas multinacionales por violaciones de derechos humanos. In Cubides Cárdenas JA, Vivas Barrera TG. *Responsabilidad internacional y protección ambiental: en tiempos de paz, en medio del conflicto armado y en etapas de posconflicto*. Universidad Católica de Colombia, Bogotá.

Vivas Barrera TG, Quintero-Sánchez GA, Pérez-Salazar B 2019. Propiedad colectiva de la tierra y movimiento indígena en América Latina. *Opción* 25(edición especial):1323-1354. Available from: <https://produccioncientificaluz.org/index.php/opcion/article/view/32340>

Vivas-Barrera TG 2023a. Corte Constitucional de Colombia: tres décadas de un juez constitucional en constante diálogo judicial transnacional. *Novum Jus* 17(3):3. Available from: <https://doi.org/10.14718/NovumJus.2023.17.3.15>

Vivas-Barrera TG 2023b. El lugar del derecho comparado en la despenalización del aborto en el sur global. *Cuestiones Constitucionales* 49:457-487. Available from: <https://doi.org/10.22201/ijj.24484881e.2023.49.18591>

Vivas-Barrera TG, González-Gómez MI 2024. Dos décadas de desminado humanitario en Colombia 2004-2024. *European Public & Social Innovation Review* 9:1-17. Available from: <https://doi.org/10.31637/epsir-2024-1160>

Vivas-Barrera TG, González-Gómez MI 2026. Desminado humanitario en Colombia entre 2001 y 2021: del despeje técnico a la gestión territorial y ambiental del posconflicto. *Fronteiras: Revista Catarinense de História* 47:318-344. Available from: <https://doi.org/10.36661/2238-9717.2026n47.15324>

Vivas-Barrera TG, Pérez-Salazar B 2016. Sobre la situación de graves violaciones de derechos humanos y del derecho internacional humanitario en contra de las mujeres en el conflicto armado colombiano. In Vivas Barrera TG. *Derechos humanos, paz y posconflicto en Colombia*. Universidad Católica de Colombia, Bogotá. Available from: <http://publicaciones.ucatolica.edu.co/uflip/derechos-humanos-paz-y-posconflicto-en-colombia/pubData/source/derechos-humanos-paz-y-posconflicto-en-colombia.pdf>

Vivas-Barrera TG, Quintero-Sánchez GA, Pérez-Salazar B 2023. From Terra Nullius to Indigenous Collective Land Rights: cases before the Inter-American Court of Human Rights. *AlterNative: An International Journal of Indigenous Peoples* 19(1):101-112. Available from: <https://doi.org/10.1177/11771801221148790>