



United Nations  
Educational, Scientific and  
Cultural Organization



Intangible  
Cultural  
Heritage

Original: French

## CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

### INTERGOVERNMENTAL COMMITTEE FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

Fifth session  
Nairobi, Kenya  
November 2010

**NOMINATION FILE NO. 00435**  
**FOR INSCRIPTION ON THE REPRESENTATIVE LIST**  
**OF THE INTANGIBLE CULTURAL HERITAGE IN 2010**

<p><b>A. STATE(S) PARTY(IES)</b></p> <p><i>For multi-national nominations, States Parties should be listed in the order on which they have mutually agreed.</i></p>
Colombia
<p><b>B. NAME OF THE ELEMENT</b></p>
<p><b>B.1. Name of the element in English or French</b></p> <p><i>This is the official name of the element that will appear in published material about the Representative List. It should be concise. Please do not exceed 200 characters, including spaces and punctuation. The name should be transcribed in Latin Unicode characters (Basic Latin, Latin-1 Supplement, Latin Extended-A or Latin Extended Additional).</i></p>
The Wayuu normative system, applied by the Pütchipü'üi (palabrero)
<p><b>B.2. Name of the element in the language and script of the community concerned, if applicable</b></p> <p><i>This is the official name of the element in the vernacular language corresponding to the official name in English or French (point B.1.). It should be concise. Please do not exceed 200 characters in Unicode (Latin or others), including spaces and punctuation.</i></p>
Anoutia sükuait'pa wayuu

**B.3. Other name(s) of the element, if any**

*In addition to the official name(s) of the element (B.1.) please mention alternate name(s), if any, by which the element is known, in Unicode characters (Latin or others).*

Wayuu law

**C. CHARACTERISTIC OF THE ELEMENT****C.1. Identification of the communities, groups or, if applicable, individuals concerned**

*According to the 2003 Convention, intangible heritage can only be identified with reference to communities, groups or individuals that recognize it as part of their cultural heritage. Thus it is important to identify clearly one or several communities, groups or, if applicable, individuals concerned with the nominated element. The information provided should allow the Committee to identify the communities, groups or individuals concerned with an element, and should be mutually coherent with the information in sections 1 to 5 below.*

The ancestral settlement of the Wayuu community is located on La Guajira Peninsula straddling Colombia and Venezuela.

The Wayuu people are organized into matrilineal clans (Eiruküü), traditional authorities (Alaülayuu), spiritual authorities (Ouutsü) and moral authorities (Pütchipü'üi).

**C.2. Geographic location and range of the element and location of the communities, groups or, if applicable, individuals concerned**

*This section should identify the range of distribution of the element, indicating if possible the geographic locations in which it is centred. If related elements are practiced in neighbouring areas, please so indicate.*

The ancestral Wayuu territory extends over the whole La Guajira Peninsula, which lies between North Colombia and the North-West of Zulia State, Venezuela. On account of its geographical position, it is located in the far north, defined as the furthest northern point of both Colombia and South America, situated between 10° 23' and 12° 28' north latitude, and 71° 06' and 73° 39' longitude west of Greenwich.

**C.3. Domain(s) represented by the element**

*Identify concisely the domain(s) of intangible cultural heritage manifested by the element, which might include one or more of the domains identified in Article 2.2 of the Convention. (This information will be used primarily for visibility, if the element is inscribed.)*

The cultural manifestation of the Pütchipü'üi is an intangible cultural heritage expression of the Colombian people, its specific nature having established frameworks in the Convention for the Safeguarding of the Intangible Cultural Heritage (2003). The virtues fostered by the "palabrerros" establish a cultural component necessary to the integral expression of the Wayuu Universe, which can be included in the following specific features:

- (a) Oral traditions and expressions
- (b) Social customs and rituals

#### **D. BRIEF SUMMARY OF THE ELEMENT**

*The brief description of the element will be particularly helpful in allowing the Committee to know at a glance what element is being proposed for inscription, and, in the event of inscription, will be used for purposes of visibility. It should be a summary of the description provided in point 1 below but is not an introduction to that longer description.*

The Wayuu Normative System is inspired by the binary relationship between the offence and its compensation, of the error and its reparation, within the balance corresponding to the ancestral mandates in the universal order. The “Palabrero” (Pütchipü’üi) has the function of maintaining social order in the Wayuu world. Its work contributes to social equality and is an expression of independence and own rights. The Pütchipü’üi worship the word, dialogue and persuasion as peaceful ways to resolve conflicts.

Wayuu Law (Sükuait’pa Wayuu) gains its inspiration from the principles of reparation and compensation. Wayuu Justice has a restoring force, of which the fundamental principle is the recognition of evil and the restoration of social relationships through the payment of an indemnity. In conflict resolution, lineage and Wayuu spirituality determine the gravity of the crime and the value of the compensation. The “Palabrero” has the art to interpret and apply the concepts of social order, moral paradigms, belonging, and the symbolic value of elements of Wayuu culture. The Palabrero’s presence at the core of the social dynamics of the Wayuu world represents equity and uses dialogue as an effective tool for peace.

## 1. IDENTIFICATION AND DEFINITION OF THE ELEMENT (CF. CRITERION R.1)

*This is the key section of the nomination to satisfy criterion R.1: “The element constitutes intangible cultural heritage as defined in Article 2 of the Convention”. A clear and complete explanation is essential to demonstrate that the nominated element meets the Convention’s definition of intangible heritage. This section should address all the significant features of the element as it exists at present, and should include:*

- a. an explanation of its social and cultural functions and meanings today, within and for its community,*
- b. the characteristics of the bearers and practitioners of the element,*
- c. any specific roles or categories of persons with special responsibilities towards the element,*
- d. the current modes of transmission of the knowledge and skills related to the element.*

*The Committee should receive sufficient information to determine:*

- a. that the element is among the “practices, representations, expressions, knowledge, skills — as well as the instruments, objects, artefacts and cultural spaces associated therewith —”;*
- b. “that communities, groups and, in some cases, individuals recognize [it] as part of their cultural heritage”;*
- c. that it is being “transmitted from generation to generation, [and] is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history”;*
- d. that it provides communities and groups involved with “a sense of identity and continuity”; and*
- e. that it is not incompatible with “existing international human rights instruments as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development”.*

*Overly technical descriptions should be avoided and submitting States should keep in mind that this section must explain the element to readers who have no prior knowledge or direct experience of it. Nomination files need not address in detail the history of the element, or its origin or antiquity.*

The Wayuu Normative System is the body of principles, procedures and rites which govern the social and spiritual conduct of the members of the Wayuu community. Its implementation in society is effected through the institution of the Pütchipü'üi, known as “Palabrero”. The Pütchipü'üi acts as an agent of social control to ensure that justice is carried out, by recreating the word and ancestral knowledge which lay the foundations of the spiritual, mythological and social life of the Wayuu people.

As institutional figures, the Pütchipü'üi are the thinkers of all that is peaceful. They are characterised for being experts in resolving conflicts and disputes on the whole social scale. Their power of persuasion makes them indispensable to the whole community, their sole aim being to prevent actions of belligerent violence between clans. Among their virtues predominates a repertoire of words which lead to dialogue and understanding, as well as the arrangement and payment of compensations, by re-establishing social harmony through conciliation and reconciliation. This also promotes peace, coexistence, progress and links which reinforce fraternity. The palabreros have used their knowledge to facilitate the peaceful coexistence of individuals as much within Wayuu society as in their dealings with western society.

The Wayuu Normative System applied by the Pütchipü'üi is inspired by the principles of reparation and compensation, of which the fundamental essence consists of making amends for any harm caused. All the sentences imposed by the Wayuu Normative System can be transformed. The ultimate aim of the normative system is to re-establish social order, by applying factors of equity through the use of the word (pütchikalü), as an effective tool in conflict resolution. The System of Compensations uses symbolism, represented primarily by the offering of necklaces made of precious stones or sacrifices of cattle, sheep and goats. Even the most serious crimes such as murder, rape, theft and adultery are compensated. Compensations are offered at special events to which witnesses are invited and where animals are sacrificed for

food, to be shared between the fighting families in order to re-establish social harmony through reconciliation.

When problems arise between clans, the traditional authority of the palabrero is sought by both the attacking group and the attacked. After having analysed the situation, the palabrero takes full responsibility and informs the authorities concerned of his intention to resolve the conflict peacefully. In the event that the word – Pütchikalü – is accepted, dialogue is established between the battling clans, where the palabrero acts with diplomacy, much caution and intelligence in dealing with the matter. To develop the argument, a presentation is given on the knowledge and erudition of the ancestral norms governing coexistence, and involves confronting both points of view, citing the motives, comparing and examining the conduct of the persons concerned. At the end, there can either be an agreement or disagreement, which can lead to a conflict.

The palabrero announces his visit in advance by sending local emissaries who are responsible for informing the parties of the compromise obtained in the permitted category of conciliator. In this way it is hoped to guarantee the attendance of the traditional authorities "Alaülayuu" of the receiving clan, which receive the name of Pütchipala. The latter in turn can issue invitations to be accompanied by "erajülii akuit'pa" (eye witnesses), who take part as neutral members of other clans and are considered as legitimate observers of the conciliation.

The palabrero acquires his role by virtue of being a maternal uncle (brother of the mother), and the culture of a reasonable character grounded on ethics and morals confirms his authority within the family nucleus and in the rest of the community. Wayuu Society lacks a central authority and its social organization is made up of matrilineal clans, dispersed throughout the ancestral territory, within which the Alaülayuu (maternal uncles) are recognized as legitimate, traditional authorities. The maternal uncle not only has command over but represents the family, assuming the socio-economic duties and obligations befitting of a father. He intervenes in the censurable acts that violate the family's dignity and he responds on the family's behalf for any careless actions that have been committed, in particular against individuals of other families which have affected the peaceful relations between other clans of the community. An Alaülayuu can secure the community's great respect by obtaining authority including other social dimensions, which give him a certain leadership either as a Pütcheejana (messenger), or a Pütchipü'üi (palabrero).

In assuming the role of Pütchipü'üi, the Alaülayuu works properly as an agent of social control for carrying out justice, and performs the function of a fair, traditional conciliator as a specialist of the Normative System or "Wayuu Law" , which is established through the value of the word. His figure embodies the whole system of compensations which are dispensed according to the cultural order of the ethnic group.

The transcendence of the Palabrero's knowledge is a manifestation of the Wayuu identity in the following ways: the Mother Tongue, acting as a vehicle of thought; the Cosmvision through myths and legends; Spirituality as a support of the moral and social paradigm; Social Organization; the anchorage to the territory as a vital and cultural space and to the traditional economy expressed in the symbolic value of compensations.

The ethnic group's cultural tradition emphasises women' importance in social and religious life, for they reflect a protective image of the social and cultural component, on account of their traditional knowledge about their origins and their connection with nature. The work of the Ouutsü women, or religious experts, fosters the relationship between humans and the natural and supernatural world. In this way, the Wayuu social order is based on a desirable state of social and spiritual harmony between society, individuals and the natural environment. The Palabrero and the Ouutsü woman constitute the Moral and Spiritual Fount of the Wayuu Universe.

## **2. CONTRIBUTION TO ENSURING VISIBILITY AND AWARENESS AND TO ENCOURAGING DIALOGUE (CF. CRITERION R.2)**

*The nomination should demonstrate (Criterion R.2) that "Inscription of the element will contribute to ensuring visibility and awareness of the significance of the intangible cultural heritage and to encouraging dialogue, thus reflecting cultural diversity worldwide and testifying to human creativity".*

*Please explain how the element's inscription on the Representative List will contribute to ensuring visibility of the intangible cultural heritage and will raise awareness at the local, national and international levels of its importance. This section need not address how inscription will bring greater visibility to the element, but how its inscription will contribute to the visibility of intangible cultural heritage more broadly. Explain how inscription will promote respect for cultural diversity and human creativity, and will promote mutual respect among communities, groups and individuals.*

*Not to exceed 1,000 words.*

Wayuu Normativity is based on the sacrosanct nature of life, from the most fragile form of existence to the human being's very condition. Life's sanctity as a concept is founded on the extreme fragility of existence and its implicit vulnerability inevitably leads to the use of self-defense which combines both prevention and punishment. By means of the Word and its communication function, impetus is given to the norms of coexistence as a universal language for the protection of life.

The Pütchipü'üi figure, or Palabrero is a reference in the resolution of conflict. His central presence in the social makeup of the Wayuu universe validates the use of dialogue as an effective tool for peace and for reconciling hatred. The Pütchipü'üi symbolises and represents the peaceful resolution of the most serious conflicts, and the Wayuu Normative System guarantees both harmonious existence with nature, and the respect of various cultural universes.

From a historical viewpoint the ancestral Wayuu territory is a multicultural and diverse landscape. Owing to its geographical position, it has been a meeting point between Wayuu culture and conquistadors, privateers, and smugglers from Europe, and later on with the Colombian and Venezuelan societies. This situation has encouraged the community to develop internal mechanisms and norms of behaviour which have helped them defend their independence and cultural integrity. The community's resistance relies on a deep spirituality, in relation to their anchorage to the earth, and on the normative system's capacity to create spaces of intercultural dialogue.

The Wayuu Normative System applied by the Pütchipü'üi or Palabrero has facilitated the creation of spaces that foster social coexistence with other cultural universes. Through the power of the word and the cultural, ethnic universe, the palabrero has been an factor of equity in a dispersed and heterogeneous society devoid of a central power. To date, the traditional practices of the Pütchipü'üi still continue to be effective in the resolution of various conflicts, and despite the fact that these conflicts arise from new problems, fundamentally a result of external factors and foreign action on traditional territories. It is therefore a manifestation of how the Wayuu community conceives their social reality based on their daily life and cultural and symbolic universe, in a permanent process of social interaction.

Notwithstanding the differences of language, spirituality and socio-economic models, Wayuu society has managed to conserve its social cohesion, its language and cultural identity for five centuries. The Wayuu Normative System as a mechanism for peaceful conflict resolution is being transformed into a reference of the Intangible Cultural Heritage of Humanity, since it is a living example of dialogue and respect among different identities.

The Wayuu Normative System applied by the Pütchipü'üi, and its inclusion on the Representative List of the Intangible Cultural Heritage of Humanity represents a contribution to enhancing the visibility of peaceful forms of conflict resolution through the word and persuasion inside the Wayuu community and between different schools of thought. The use of language as generating agreements of coexistence is a living expression of human creativity at the service of peace, and represents the expression of a normative system capable of interpreting human

dignity, sentences, and conceptions of justice from cultural diversity to bring about more integrated societies.

The Wayuu Normative System is a clear example of dialogue and mutual respect in the cultural diversity of today's globalised world. Inter-culturality involves the recognition and the practice of respecting differences. It requires an open attitude and involves critical and self-critical dialogues between different cultural worlds, which are the core elements of this cultural manifestation.

### **3. SAFEGUARDING MEASURES (CF. CRITERION R.3)**

*Items 3.a. to 3.c. request the elaboration of a coherent set of safeguarding measures as called for in Criterion R.3: "Safeguarding measures are elaborated that may protect and promote the element". Such measures should reflect the broadest possible participation of the communities, groups or, if applicable, individuals concerned, both in their formulation and in their implementation.*

#### **3.a. Current and recent efforts to safeguard the element**

*Please describe the current and recent efforts of the concerned communities, groups or, if applicable, individuals to ensure the viability of the element. Describe efforts of the concerned State(s) Party(ies) to safeguard the element, taking note of external or internal constraints, such as limited resources.*

The current and recent efforts to safeguard the Wayuu Normative System are aimed at enhancing visibility at the national and international levels, as well as strengthening the system and building capacities to defend prolonged operations against external and internal factors which jeopardise their viability.

Since December 2008, the Wayuu Palabrereros have taken in hand the process to safeguard the element with the support of the Colombian Ministry of Culture. For this, they have co-founded the OUUTKAJAWAA MULOUSÜKALÜ NATUMA PÜTCHIPÜ'ÜIRUA (Independent General Assembly of Palabrereros), with the aim of strengthening the institution of the Wayuu Palabrero, to develop a plan to safeguard and obtain the inclusion of the element in the Representative List of the Intangible Cultural Heritage of Humanity. The Wayuu Palabrero was included on the Representative List of National Cultural Heritage of Colombia in 2007.

The Independent General Assembly of Palabrereros promotes inter-generational dialogue and as a body, brings together Wayuu traditional and spiritual authorities. This body is useful for safeguarding the cultural institutions of the Wayuu Normative System by strengthening ancestral knowledge. To achieve both aims, the General Assembly is currently spearheading a project called the Circles of the Word, which involve setting up meetings between the traditional authorities, teachers, young people, students and the professional chiefs of ethnic groups which have expressed concerns about different social and cultural contexts of the ancestral Wayuu territory. By means of the Circles of the Word, the General Assembly has made a significant impact on the communities by being directly involved on issues relating to the Wayuu Normative System and raising awareness about own cultural values. To date, 16 Circles of the Word have taken place in eighteen months.

The Circles of the Word have enabled the formulation and implementation of safeguarding measures such as the creation of the intercultural qualification "Palabrero", the establishment of a Documentation Centre, and the setup of inter-generational dialogues in which members of the Independent General Assembly of Palabrereros transmit their knowledge to the young people of the universities and colleges of Colombian La Guajira.

The Colombian Ministry of Culture, the Mixed Fund for Arts and Culture of La Guajira, and the Independent General Assembly of Palabrereros have obtained approval at national level for the Special Plan for the Safeguarding of the Wayuu Normative System by taking into account the institutional character of the Palabrero which is under serious threat from: the Adoption of foreign Socio-Economic Models in Culture; the Existence of Alternative Modes of Conflict Resolution; the Loss of Social Cohesion within families; the Deterioration of Wayuu Spirituality; the Crisis of the Traditional Economy. The Special Plan for the Safeguarding of the Wayuu Normative

System helps to counter this by encouraging collective reflection on cultural diversity and building social fabrics for peace and peaceful coexistence.

### **3.b. Safeguarding measures proposed**

*For the Representative List, the safeguarding measures are those that may help to solidify the element's current viability and to ensure that its viability is not jeopardized in the future, especially as an unintended result of inscription and the resulting visibility and public attention.*

*Identify and describe the various safeguarding measures that are elaborated that may, if implemented, protect and promote the element, and provide brief information concerning, for example, their priority, scope, approaches, timetables, responsible persons or bodies, and costs..*

The overarching objective of the safeguarding measures is to strengthen the Wayuu Normative System applied by the Pütchipü'üi, through revitalising the community's cultural values, enhancing its visibility through intercultural dialogue and protecting it against the external and internal factors which have come to threaten its existence.

#### **i) Safeguarding Measures**

The safeguarding measures are organized into four lines of action:

1. Identity: Comprises the measures to conserve the manifestation against internal and external factors:

- Conserving and disseminating the Oral and Intangible Memory of the Wayuu people;
- Creating the Documentation Centre for the Wayuu community;
- Strengthening the oral system and written wayuunaiki (Wayuu language);
- Researching and inventorying information on the Ouutsü women and Wayuu traditional medicine.

2. Strengthening the Wayuu Normative System. Comprises the measures oriented towards guaranteeing the viability of the structure – in a community, organizing, institutional and support capacity – in conjunction with the manifestation such as:

- Strengthening the Independent General Assembly of Palabrereros;
- Intercultural training of the Palabrereros;
- Developing intercultural dialogue with State bodies;
- Creating a System to Publicise and Record the Wayuu Normative System.

3. Transmission of Knowledge. The aim is to encourage the participation of the Wayuu community to safeguard and disseminate traditional culture, and in conjunction with this, foster among its members values of collaboration, respect, tolerance, independence and mutual assistance. It comprises the following aims:

- Fostering inter-generational dialogues
- Integrating the normative system into the Wayuu ethic and educational project
- Creating the "El Palabrero" daily newspaper for the Wayuu people
- Creating a Wayuu community radio programme
- Promoting Wayuu arts, music and dance

4. Development of Creation and Research. Comprises measures for supporting the production of knowledge, research, and documentation on the manifestation and the related social processes with the involvement of, and in consultation, with the community. Its objectives are to:

- Introduce the Award for the Stimulation of Ethnographic Research
- Establish a Chair of the Wayuu Normative System in Universities

The methodology for implementing the safeguarding measures for the Wayuu Normative System comprises the following phases:

Phase 1. Design of the Action Plan. The aim is to secure the participative construction of a



Training Plan by means of diagnosis workshops for identifying the needs and experiences of the Wayuu Normative System. Ways to identify the factors which threaten and put at risk their viability will be sought out, and in principle, the experience will be carried out by the palabreros of the Independent General Assembly of Palabreros. This phase will last one year; Phase 2. Implementation of the Action Plan. In this phase, we will create the form for implementing the Training Plan, its beneficiaries, timeframes, selection criteria, possible methodological adjustments and a training and assessment system. This phase will be developed over four years; Phase 3. Development of the Action Plan over four years; Phase 4. Strategy of Disclosure and Promotion. This final phase will be developed over one year.

ii). Responsible bodies

Ministry of Culture

- Government of La Guajira
- Town-hall of the Uribia Commune
- The Independent General Assembly of Palabreros
- Other institutions: Ministry of the Interior and Justice – Ethnic Groups Department; Ministry of National Education; Ministry of Social Protection; Ministry of Trade, Industry and Tourism; National Commission for Reparation and Reconciliation; Presidential Agency for Social Action and Cooperation; Colombian Institute for Sport, Coldeportes; University of La Guajira; Mixed Fund for Arts and Culture of La Guajira; Cerrejón Foundation for Indigenous Development, Chevron Texaco; United Nations High Commissioner for Refugees (UNHCR); Spanish Agency for Cooperation; and the German Development Agency, GTZ.

### **3.c. Commitment of communities, groups or individuals concerned**

*The feasibility of safeguarding depends in large part on the aspirations and commitment of the communities, groups or, if applicable, individuals concerned. This section should provide evidence that the communities, groups or, if applicable, individuals concerned have the will and commitment to safeguard the element if conditions are favourable. The best evidence will often be an explanation of their involvement in past and ongoing safeguarding measures and of their participation in the formulation and implementation of future safeguarding measures, rather than simple pledges or affirmations of their support or commitment.*

The commitment of the Wayuu communities is represented by the Pütchipü'üi and other traditional authorities of various communities, which have headed up a work schedule during the preparation of the nomination process with the help of Wayuu community members (researchers, ethnic teachers, professionals, university students, and culture experts), which reflects the Wayuus' current situation. This method is called the Circles of the Word where reflection has taken place on the manifestation's cultural situation and safeguarding strategies have been formulated. The Nomination Form is the result of these working meetings. Acts of participation and visual and audio-visual recordings are available as evidence of their commitment.

### **3.d. Commitment of State(s) Party(ies)**

*The feasibility of safeguarding also depends on the support and cooperation of the concerned State(s) Party(ies). This section should provide evidence that the State Party concerned has the commitment to support the safeguarding effort by creating favourable conditions for its implementation and should describe how the State Party has previously and will in the future demonstrate such commitment. Declarations or pledges of support are less informative than explanations and demonstrations.*

The Colombian State's commitment is borne out by its approval of the Special Plan for the Safeguarding of the Wayuu Normative System applied by the Pütchipü'üi, which is registered in the National Heritage Council Act of 20 November 2009. The approval of the Plan also implies the funding, technical assistance and support for the planned Safeguarding Measures.

## **4. COMMUNITY PARTICIPATION AND CONSENT IN THE NOMINATION PROCESS (CF. CRITERION R.4)**

*This section asks the submitting State Party to establish that the nomination satisfies Criterion R.4: 'The element has been nominated following the widest possible participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent'.*

### **4.a. Participation of communities, groups and individuals in the nomination process**

*Describe how and in what ways the community, group or, if applicable, individuals concerned have participated actively in the nomination process at all stages, as required by Criterion R.4. States Parties are further encouraged to prepare nominations with the participation of a wide variety of other concerned parties, including where appropriate local and regional governments, neighbouring communities, NGOs, research institutes, centres of expertise and other interested parties. The participation of communities in the practice and transmission of the element should be addressed in point 1 above, and their participation in safeguarding should be addressed in point 3; here the submitting State should describe the widest possible participation of communities in the nomination process.*

This nomination form is the culmination of a process which began in 2007 and originated in the declaration of the Wayuu Palabrero as an Object of National Cultural Interest. With the participation and support of the Ministry of Culture, the Wayuu Independent General Assembly of Palabrereros and the Mixed Fund for the Promotion of Culture and Arts of the Guajira, we are giving continuity to a task begun by the Observatory of the Caribbean during 2007, the results of which can be found in the PIRS document laying out the Identification and Safeguarding Recommendations Plan drawn up in the same year.

The file is a result of the consensus and collaboration between the traditional authorities of the various Wayuu communities and the Independent General Assembly of Palabrereros, together with ethnic teachers, researchers and cultural managers, all of whom are involved in the activities and part of the same organizing process. Another outcome of the process has been a collection of visual and audio-visual clips which record feedback from the different activities in the communities. The regular meetings held by the traditional authorities, taking the form of a conversation series entitled Circles of the Word, involved open and spontaneous dialogue which reflected the Wayuu style of communication and involvement

The main thrust of these meetings was to engage in collective thought faced with the need to initiate an independent organization process for the conservation and strengthening of the Wayuu normative system, encompassing the practice of conflict resolution within the communities, between the communities and the State, and towards the wider Colombian and Venezuelan society.

The momentum of this method allowed the traditional authorities to take participative action through taking ownership of various subjects through determining the places and timetables of the dialogues. In this way, full responsibility was taken of the consultation process and internal dialogue, by strengthening the Circles of the Word as an effective tool to securing intercultural

consensus and agreement based on our independence and the building of culture.

The participative process for the communities and the Wayuu organizations sought to guarantee their involvement in the planning, design, implementation, assessment and monitoring of the compilation of the file, and the corresponding safeguarding measures. Depending on the various socio-cultural contexts of the territories in Colombia and Venezuela, the meetings took place in the following locations:

- Meeting 1: The border community of Paalüachon (Paraguachon, Natural Reserve of Maicao Commune), Colombian-Venezuelan border. 27 and 28 November 2008.
- Meeting 2: Rural area of Türankerü (jurisdiction of the Maicao Commune), economy influenced by the exploitation and transportation of mineral coal at the “Cerrejón” coal mine. 13 and 14 December 2008.
- Meeting 3: Ooroliwo’u community (“monte de Oro”, Nazareth region, Upper Guajira), region with the highest concentration of holy places. 26, 27 and 28 March 2009.
- Meeting 4: Chiquito community of Walerpa (Upper Guajira region), area where the most indigenous members of the ethnic group live. 7, 8 and 9 May 2009.
- Meeting 5: Mayabangloma community (jurisdiction of the Commune of South Fonseca of La Guajira), area where the impact of industrial projects and the exploitation of natural and mineral resources is greatest. 27, 28 and 29 May 2009.
- Meeting 6: Siapana community (Upper Guajira region), place of establishment of the intra-indigenous people. 10, 11 and 12 June 2009.
- Meeting 7: Zahino community (jurisdiction of Commune of South Barrancas, La Guajira. 25, 26 and 27 June 2009.
- Meeting 8: Naranjito community No. 1 (jurisdiction of Maicao Commune), rural area where the smuggling trade out of Venezuela predominates. 12, 13 and 14 June 2009.
- Meeting 9: Walerü community (Warero, Páez Commune, region of Zulia State, Venezuela), area where the indigenous people’s social and cultural interaction and the impact of other cultures is greatest. 7, 8 and 9 August 2009.
- Meeting 10: Guamachito community (jurisdiction of the Commune of South Hato Nuevo, La Guajira). 28, 29 and 30 August 2009.
- Meeting 11: Sector of “Cuatro Vías” (main road to the Caribbean), sector where the main roads of Maicao, Rihacha, Albania, Uribia and Maracaibo meet. 10 September 2009.
- Meeting 12: Kukuulümana community (jurisdiction of the Rihacha Commune). 25, 26 et 27 September 2009.
- Meeting 13: Machiques Commune [14] (Zulia State, Venezuela), area of Wayuu professional and historical establishment. 7, 8 et 9 November 2009.

#### **4.b. Free, prior and informed consent to the nomination**

*The free, prior and informed consent to the nomination of the element from the community, group or, if applicable, individuals concerned may be demonstrated through written or recorded concurrence, or through other means, according to the legal regimens of the State Party and the infinite variety of communities and groups concerned. The Committee will welcome a broad range of demonstrations or attestations of community consent in preference to standard or uniform declarations..*

*Please attach supporting evidence demonstrating such consent and indicate below what evidence you are providing and what form it takes.*

The free, prior and informed consent of the communities is supported by the documents and act of consensus relating to the Safeguarding Process and the inclusion of the element on the Representative List of the Intangible Cultural Heritage of Humanity. Two documents of consent and commitment signed by the Wayuu communities and organisations are enclosed by way of example with the nomination form.

#### **4.c. Respect for customary practices governing access**

*Access to certain specific aspects of intangible cultural heritage is sometimes restricted by customary practices governing, for example, its transmission or performance or maintaining the secrecy of certain knowledge. Please indicate if such practices exist and, if they do, demonstrate that inscription of the element and implementation of the safeguarding measures would fully respect such customary practices governing access to specific aspects of such heritage (cf. Article 13 of the Convention). Describe any specific measures that might need to be taken to ensure such respect.*

The safeguarding strategies establish ways of follow-up, control and advice in order to guarantee the application of measures taken for the adequate treatment and mitigation of predictable impacts. However, it is considered that inclusion on the Representative List of the intangible cultural heritage of humanity will not in any way constitute a risk for the customary practices of the Wayuu people.

#### **5. INCLUSION OF THE ELEMENT IN AN INVENTORY (CF. CRITERION R.5)**

*This section is where the State Party establishes that the nomination satisfies Criterion R.5: “The element is included in an inventory of the intangible cultural heritage present in the territory(ies) of the submitting State(s) Party(ies) as defined in Articles 11 and 12”.*

*Identify the inventory in which the element has been included and the office, agency, organization or body responsible for maintaining that inventory. Demonstrate that the inventory has been drawn up in conformity with Articles 11 and 12, in particular Article 11(b) that stipulates that intangible cultural heritage shall be identified and defined “with the participation of communities, groups and relevant non-governmental organizations” and Article 12 requiring that inventories be regularly updated.*

*The nominated element’s inclusion in an inventory should not in any way imply or require that the inventory(ies) should have been completed prior to nomination. Rather, a submitting State Party may be in the process of completing or updating one or more inventories, but has already duly included the nominated element on an inventory-in-progress.*

The Wayuu Normative System applied by the Wayuu Palabrero, has been recognized by the Colombian State as an Object of National Cultural Interest by Resolution 1471 of 2 November 2004, then included on the Representative List of Intangible National Cultural Heritage under Law 1185 of March 2008, which amended Law 397 of 1997. In November 2009, the Special Plan for Safeguarding the element was approved by a Resolution of the National Council on Cultural Heritage. This Representative List, co-managed by the Ministry of Culture and Colombian Institute of Anthropology and History (ICANH), is a public information system which, pursuant to Decree 2941 of 2009, should be updated, published and broadcasted daily to the Colombian population.

DOCUMENTATION
<b>a. Required and supplementary documentation</b>
Required documentation provided.
<b>b. Cession of rights including registry of items</b>
Required cession of rights provided
<b>c. List of additional resources</b>
<p>ACOSTA MEDINA, Ángel. L'Homme Guajiro: Découverte et Nationalisation. Fonds Mixte Pour la Culture et les Arts de La Guajira. Imprimerie Nationale de Colombie. Bogotá D.C. 2000.</p> <p>GOULET GUY, Jean. Le lien de parenté Guajiro des Apüshii et les Oupayu. Dans: Montauban, 1977.</p> <p>_____. L'Univers Social et Religieux Guajiro. Maracaibo: Corpozulia, 1981.</p> <p>GUERRA CURVELO, Weidler. La Dispute et la Parole, La Loi dans la Société Wayuu. Bogotá: Ministère de la Culture. 2002.</p> <p>MARTÍNEZ UBÁRNEZ, Simón-HERNANDEZ GUERRA, Ángel. Territoire et Loi dans la Société Wayuu. Riohacha: Fonds Mixte pour la Promotion de la Culture et les Artes de La Guajira. 2005.</p> <p>OJEDA JAYARIYU, Guillermo. Sainrülüü Wayuu. Spiritualité Wayuu. Barranquilla: Edmundo, 2009.</p> <p>_____. Le Pütchipü'üi... Palabrero et Penseur du Pacifique. Dans: Revue Ranchería. Fonds Mixte de la Culture de La Guajira. Édition 10 de 2007.</p> <p>_____. La Femme Wayuu... dans le Cercle Sacré de la Vie. Dans: Revue Sünüiki Woummain (la Voix de Notre Terre). Éditions Antilles, Barranquilla: Édition 2 de 2009.</p> <p>PAZ IPUANA, Ramón. Mythes, Légendes et Comptes Guajiros. Caracas: Institut National Agraire, 1972.</p> <p>PERAFAN, Carlos Cesar. Systèmes Juridiques Kogui, Wayuu et Tule. Santa fe de Bogotá D.C: Colcultura, Institut Colombien d'Anthropologie, 1995.</p> <p>PERRIN, Michel. Sükuaitpa Wayuu. Les Guajiros, la Parole et le Vivre. Caracas: Fondation La Salle des Sciences Naturelles, 1979.</p> <p>_____. Anthropologues et Médecins Face à l'Art Guajiro de Guérir. Maracaibo-Caracas: CORPOZULIA. U.C.A.B. 1982</p> <p>_____. Le Chemin des Indiens Morts: Mythes et Symboles Guajiros. Caracas: Monte Ávila Éditeurs, 1980.</p> <p>_____. Créations Mythiques et Représentations du Monde: L'Homme Blanc. Symbologie Guajira, 1989.</p> <p>_____. Créations Mythiques et Représentations du Monde: Le Bétail dans le Monde Symbolique Guajiro. Dans: Revue Anthropologique, 1987.</p> <p>_____. L'Art Guajiro de Guérir. Tradition et Changements. Dans: La Guajira, de la Mémoire à l'Avenir. Bogotá: Université Nationale-Fonds Fen, 1990.</p> <p>ROSALES VERA, Maria Alejandra. Médecine Traditionnelle des Femmes Wayuu. Leurs Pratiques Curatives. État Zulia-Venezuela: Association Civile Yanama, 1996</p> <p>SALER, Benson. Principes de Compensation et la Valeur des Personnes dans la Société Guajira. Dans: Montauban, 1986.</p> <p>URIANA, Atala. La Femme et sa Parole. Venezuela: Éditions Collection Ethnies du Zulia, 1997.</p> <p>VERGARA, Otto. Les Wayuu: Hommes du Désert. Dans: La Guajira, de la mémoire à l'avenir.</p>

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### C. Concerned community organization(s) or representative(s)

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**SIGNATURE ON BEHALF OF THE STATE PARTY**

Name: Maria Claudia López Sorzano

Title: Ministre de la culture

Date: 13 January 2010

Signature: <signed>