

**Consultores Empresariales D. J. SAS**

**Contract No. 6500003193**

**EXECUTED WITH TGI SA ESP**

**INTERCULTURAL ENGAGEMENT AND SACRED SITES IN THE  
SURATENA INDIGENOUS RESERVE, MUNICIPALITY OF  
MARSELLA (RISARALDA)**



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## 1. Introduction

This document is part of the intercultural engagement guidelines developed by **Consultores Empresariales D. J. SAS** on behalf of TGI, במסגרת Contract No. 6500003193.

Specifically, it addresses the cultural context of sacred sites located within the territorial scope of the Embera Chamí Indigenous community of the Suratena Indigenous Reserve.

## 2. General Overview of the Suratena Indigenous Reserve

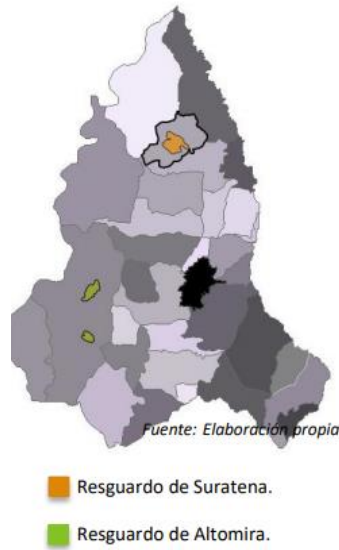
There are three Indigenous communities belonging to the Embera Chamí people in the Municipality of Marsella: Suratena and Altomira, both recognized as Indigenous reserves, and the settlement of Cumaradó.

According to the Safeguarding Plan for the Embera people, the Indigenous population of Marsella is 786 people.

The Suratena Indigenous Reserve is located in the district of Alto Cauca, north of the Municipality of Marsella, in the Department of Risaralda. The reserve is surrounded by rural farming communities with privately owned properties, whose economies are primarily based on coffee, plantain, avocado, and soursop cultivation, among other agricultural activities.

Currently, Indigenous communities live in settlements legally recognized as reserves. Within these territories, small Indigenous family allotments are assigned to each household, consisting of relatively small land areas where homes and crops are located. The reserve is composed of 10 settlements and has a population of approximately 1,100 people distributed across 253 families.

The Suratena Indigenous Reserve corresponds to the Indigenous community located closest to the gas pipeline infrastructure operated by TGI.



According to the self-census conducted in 2015, the total population of the Suratena Indigenous Reserve is 1,064 people, organized into 253 families. The gender distribution of the total population shows that there are 556 women, representing 52% of the total population, while the number of men is 508, representing 48%.

**Tabla 2 Distribución poblacional**

Grupos de Edad	Hombres	%	Mujeres	%	Total	% Total
0 a 4	42	4,07%	40	3,88%	82	7,95%
5 a 9	64	6,20%	77	7,46%	141	13,66%
10 a 14	67	6,49%	73	7,07%	140	13,57%
15 a 19	63	6,10%	82	7,95%	145	14,05%
20 a 24	49	4,75%	43	4,17%	92	8,91%
25 a 29	35	3,39%	43	4,17%	78	7,56%
30 a 34	35	3,39%	43	4,17%	78	7,56%
35 a 39	31	3,00%	50	4,84%	81	7,85%
40 a 44	26	2,52%	25	2,42%	51	4,94%
45 a 49	15	1,45%	13	1,26%	28	2,71%
50 a 54	13	1,26%	16	1,55%	29	2,81%
55 a 59	13	1,26%	13	1,26%	26	2,52%
60 a 64	11	1,07%	10	0,97%	21	2,03%
65 a 69	10	0,97%	6	0,58%	16	1,55%
70 a 74	4	0,39%	4	0,39%	8	0,78%
mayor a 75	10	0,97%	6	0,58%	16	1,55%
<b>Total</b>	<b>488</b>	<b>47,29%</b>	<b>544</b>	<b>52,71%</b>	<b>1032</b>	<b>100,00%</b>

Fuente: Censo 2015 Resguardo Suratena - Julio 2015. Elaborado por Fundación Proyectar

The reserve was formally established in 1995, covers an area of 125 hectares, and comprises five discontinuous sectors:

- Siria Baja
- Siria Media
- Siria Alta
- Gedakodee
- Iumadee

- Kurubital

As expected, the immediate surroundings of the reserve are predominantly non-Indigenous, consisting mainly of rural farming communities of Paisa descent, whose economy depends primarily on coffee production.

Beyond the reserve itself, the Suratena community has a territorial scope that extends beyond its legally assigned boundaries and, according to the Indigenous Governor, encompasses 67 sacred sites, several of which are located within rural farming areas.

### **3. What Is a Sacred Site for Indigenous Peoples?**

In general terms, a sacred site is a place, spatial point, area, geographical feature, natural element, or other location that each people recognizes as sacred according to its particular culture and worldview.

The only entities truly authorized to define what constitutes a sacred site, where it is located, and what its characteristics are, are the respective Indigenous peoples themselves, through their spiritual and civil authorities. It is not the role of private actors or the State to assume this responsibility.

A sacred site may have several characteristics:

- It is often considered the residence and gathering place of forces, energies, or spirits with the power to intervene, either positively or negatively, in the affairs of individuals and communities through specific practices carried out directly or through special figures (Jaibanás, shamans, traditional healers, etc.).
- There are usually a series of norms and cultural protocols associated with these places that restrict or regulate the behavior of Indigenous people and outsiders alike, due to the risk of triggering unintended consequences.
- Their existence is not obvious or readily apparent, not even to all members of the Indigenous community, partly because of the confidentiality that is often maintained around them, but also because understanding them requires deep knowledge of traditional culture. At first glance, a sacred site may appear to be simply a river, a rock, a cave, a wetland, or a hill, while its cultural significance remains unrecognized.

### **4. What Are the Sacred Sites of the Embera Chamí Community in the Suratena Indigenous Reserve?**





The Embera Chamí people are characterized by having a strong physical and spiritual connection to their territory, in a constant pursuit of harmony among all members of the community. Within their territory, there are sacred sites that can only be accessed by the

Jaibaná (traditional healer) or by individuals who have been granted permission, in order to avoid spiritual repercussions that may later manifest as physical illnesses.

Regarding this matter, the community’s organizational plan states the following:

*“Some of the most important sacred sites for the Reserve are Tuma jaibaná wera, located at the Santa Rita stream – Brasil; Salto del jaibaná wera and Keradumía, located at the Santa Rita stream in Brasil; Jaidé viuda in Santa Rita – Brasil; Tumá del Donior in the same stream; Bakuru kumua located in Brasil; the sacred site Wafe – Brasil stream; Beda tumá; Mandeba (Jai kirú); Bakuru Char, located at La Mica stream; Umada Do – at La Siria stream; Tuma Pisia – La Miranda stream; Aribada dé; Abaso wadrá; Jai kirú at La Miranda creek; Karbau do in Brasil; Mode Jai kirú at La Miranda; Jai wadrá at Las Brujas stream; Dama Dé at La Siria stream; Opoa War near Los Reyes farm; and Monte Umada Dé in Rayado.”*

**Photographs of Some Sacred Sites in Suratena**

<p><b>Q. Santa Rita (B.M.)</b></p> 	<p><b>Brasil Stream</b></p> 
<p><b>PISIA TUMA</b></p> 	<p><b>Jai Wadrá Q. Las Brujas</b></p> 

Adapted from the Organizational Plan, 2013



**Cultural Importance:** This is the resting place of the Rainbow *Jai*. It represents the possibility of transporting water from one place to another.

**CANTA RANA**

**Location:** E00811668 - N01042004

**Cultural Importance:** Healing site. In this pool, traditional healers find frogs believed to possess healing powers.

**EL SALADO POOL - EL RAYADO STREAM**

**Location:** E00811670 - N01042007

**Cultural Importance:** This pool is where the salt used by traditional healers to ward off spirits is produced.

**MOUTH OF LA MICA STREAM – DANIOR DEE**

**Location:** E00811594 - N01045563

**Cultural Importance:** Resting place of the *Jai* that watches over the Cauca River.

**NÁPOLES - AWAR DOO**

**Location:** E00811599 - N01045544

**Cultural Importance:** Reproduction site for fish and reptiles.

**UPPER LA MICA STREAM POOL**

**Location:** E00811823 - N01044896

**Cultural Importance:** Site of harmonization, wisdom, and infant growth.

**LAS BRUJAS STREAM**

**Location:** E00811828 - N01044893

**Cultural Importance:** This is where the *Jai* of the witches resides. It is a place where good and bad spirits are harmonized.

**SANTA RITA STREAM**

**Location:** E00813296 - N01045658

**Cultural Importance:** Site where the *Jai* of traditional healer Lute resides.

### **BRASIL STREAM - FARM ACCESS POINT**

**Location:** E00813869 - N01048672

**Cultural Importance:** Resting place of the ancestors of the *Jai* and traditional healers.

### **SAN FRANCISCO RIVER**

**Location:** E00815174 - N01049287

**Cultural Importance:** Site where the *Jai* of senior traditional healer Pedro Luis Flores resides.

### **BRASIL - RAILWAY ACCESS POINT**

**Location:** E00815170 - N01049297

**Cultural Importance:** Site where the *Jai* of traditional healer Rodrigo Murillo resides.

## **1. How Can a Sacred Site Be Identified?**

The only and most reliable way to accurately identify a sacred site is by consulting Indigenous authorities, particularly spiritual authorities (Jaibanás), regarding which sites exist and where they are located, taking into account the following considerations:

- Not all Jaibanás may identify the same sacred sites, and discrepancies may exist due to conflicts or differing internal traditions. Therefore, it is recommended to coordinate with as many of them as possible through the Indigenous council.
- For each site, it is important to establish, at a minimum, its exact location, significance, traditional name, and area of influence or coverage.
- It is also important to determine the restrictions associated with each site and identify the most appropriate ways to avoid inappropriate interventions or disturbances.
- This type of information is often considered confidential by Indigenous communities and, for that reason, obtaining additional information should not be forced. Simply knowing that these sites exist and understanding their location may be sufficient to implement measures aimed at preventing impacts.

For the same reasons, information provided by third parties—such as academics, NGOs, or even political leaders—should not be considered fully reliable, and their contributions should therefore be approached with caution.

## **5. What Legal and Jurisprudential Importance Do Sacred Sites Have?**

From both a jurisprudential and regulatory perspective, Indigenous sacred sites are recognized and protected under the law for several reasons:

- They form part of Indigenous territory, understood in its broadest sense, which is considered one of the key factors ensuring the physical and cultural protection and survival of Indigenous peoples. From this perspective, territory is directly connected to the right to life, and any violation of it may be understood as an attack against life itself.
- The existence of Indigenous sacred sites located on lands that are not legally owned by Indigenous communities may nevertheless give rise to rights in their favor, which can even limit the private property rights of third parties. This is the case, for example, with the guarantee of the right to prior consultation, since these sites are understood to be directly linked to Indigenous ethnic and cultural integrity.
- Sacred sites are frequently accepted as sufficient evidence in judicial proceedings related to the protection of Indigenous rights and, in general, judges do not require evidence beyond the direct statements provided by Indigenous communities themselves in order to recognize their existence and act accordingly.

Therefore, the jurisprudential significance of sacred sites should not be underestimated. On the contrary, it is of great importance for companies, since it creates rights for Indigenous peoples and obligations for third parties.

## **6. Do Sacred Sites Located Outside the Indigenous Reserve Have a Different Legal Status?**

Sacred sites located both inside and outside an Indigenous reserve have the same legal and practical validity for several reasons:

- Because their connection to the rights to territory, life, and ethnic integrity does not depend on legal ownership of the land;
- Because sacred sites are, in many cases, likely to predate modern private property regimes due to the historical continuity and antiquity of Indigenous cultures;
- Because being located outside the reserve may create a situation of greater vulnerability or lack of protection for such sacred sites and, therefore, may require greater protective measures.

## **7. What Rights Do Indigenous Communities Have Regarding Sacred Sites Located Outside Their Reserves?**

It is clear that the existence of these sites does not automatically create property rights over the land where a sacred site is located, nor does it invalidate private ownership rights held by third parties. However, it may give rise to other types of rights, including:

- The right to freely access sacred sites in order to carry out cultural practices associated with them;
- The right to prior consultation if a project is planned that could affect the integrity of such sites;
- The right to recognition and protection of these sacred sites by the State;
- A preferential right for the associated Indigenous community to potentially receive legal title to the lands where the sacred site is located in the future.

## **8. Can the Existence of a Sacred Site Be Challenged in Cases of Doubt?**

Beliefs, religious worldviews, sacred dimensions, magical and mythical systems are not subject to challenge within a respectful understanding of the “other,” and within a multicultural State, these different worldviews hold value.

Since sacredness cannot be empirically proven, and since evidence constitutes the foundation of positive law, modern logicians addressing these situations argued that, beyond Aristotelian logic—traditionally associated with positive law—there are other non-classical logics that allow not only for the recognition of beliefs but also for treating them as valid realities.

Kripke, a logician, referred to both worlds and universes, explaining how each world or universe exists as only one among many real worlds. The contents of people's minds—such as deities, beliefs, places, and classifications—exist within particular societies but do not necessarily constitute shared realities across all societies. Heaven or purgatory, for example, may constitute a real world for a mestizo Catholic individual, whereas for non-Catholics such places may exist only as possible worlds because these concepts have not been socially transmitted to them; they do not exist within their cognitive framework. Nevertheless, within a politics of recognition, the existence of such realities within other social groups is respected.

In theory, however, cultural claims related to sacredness may be challenged in order to demonstrate, for example, that they correspond to cultural practices that have lost relevance over time (such as fasting during Holy Week for Catholics), that they fall outside the area of influence of a given project, that they do not actually possess sacred status, or that they result from the invention of tradition. However, doing so requires a sufficiently robust body of evidence from authorized sources, such as Indigenous or non-Indigenous experts with the knowledge required to validate or reject such claims.

It is also appropriate to identify inconsistencies or contradictions within narratives, because although intangible cultural realities may be difficult to challenge directly, narratives are still expected to be internally coherent, supported by credible references, and capable of being corroborated by other members of the same culture.

All narratives are, to some extent, flexible, interest-driven, contextual, and socially constructed within specific conditions of time, place, and circumstance. Consequently, they

often incorporate dramatic, totalizing, synchronic, or structural elements that may serve secular purposes and therefore should be examined carefully in order to understand their context of enunciation.

In order to protect groups presumed to be vulnerable—as is generally the case with Indigenous peoples—the burden of proof is often reversed in their favor, precisely because they are understood to be in situations of disadvantage or vulnerability. Consequently, evidence beyond the testimony of the respective community may not be required and, in theory, it would correspond to the opposing party to demonstrate otherwise.

## **9. What Happens if a Sacred Site Is Altered or Intervened Without Proper Precautions?**

It is difficult to determine in advance what may happen if a sacred site is altered, particularly when such actions are attributable to a company. However, experience suggests the following:

- From a cultural and phenomenological perspective, such interventions may unleash forces and energies that generate harm and profound disruptions within Indigenous communities or among specific groups such as youth, women, and children. These impacts may manifest through phenomena such as suicides, illnesses, collective distress, displacement of families, or spiritual conflicts.
- Legal actions related to violations of territorial rights, prior consultation rights, and ethnic integrity may arise, with a significant likelihood of success if supported by appropriate jurisprudential precedents and legal arguments.
- Relationships between companies and Indigenous communities may deteriorate to levels that are difficult to restore.
- Companies may be held responsible for generating cultural harm, with the consequent obligation to implement some form of reparative measures.

## **10. Can Cultural Damage Attributed to the Disturbance or Violation of a Sacred Site Be Repaired?**

As discussed previously, the disturbance or deterioration of the cultural realities of human groups may result in functional losses and suffering for individuals and communities, potentially involving significant human costs.

It has also been established that impacts can be identified and even formalized through appropriate procedures that are widely accepted within the social and legal sciences.

The question now is whether cultural impacts are reparable. To address this issue, it is necessary to move beyond mathematical, linear, parametric, or purely economic approaches, since these may prove insufficient and biased, and instead consider alternative approaches that incorporate, for example, the perspectives of affected populations.

Just as there are theories concerning harm, it can also be argued that there are theories regarding harm management, naturally depending on both the type and intensity of the impact. In general terms, the following management alternatives may be considered:

- **Prevention:** The capacity to avoid a foreseeable consequence either by eliminating the action or event with the potential to generate harm or by removing exposure of vulnerable realities to such actions.
- **Reduction or Mitigation:** Actions aimed at ensuring that harm is minimized to the greatest extent possible.
- **Restoration or Reparation:** Returning conditions to the state that existed before the occurrence of harm and, where possible, improving upon those conditions.
- **Substitution or Compensation:** Replacing an irreversibly lost asset, resource, or element with another alternative—including monetary compensation—that provides opportunities or benefits equivalent to those lost.
- **Recovery:** Refers to the capacity of the affected reality to recover autonomously once the harmful action or event has ceased.

Indigenous cultures are historical, resilient, and dynamic. Therefore, determining project-attributable impacts and defining management measures requires more than adopting a unilateral perspective—which has been explicitly rejected by the Constitutional Court. Instead, a qualified process of social participation is required, through which the typologies and intensities of impacts are assessed based on the cultural perspectives of each people and under the principle of Good Faith.

Judgment C-077 of 2017 is among the most recent decisions in which the Constitutional Court emphasized the value of social participation in development projects. Although this decision addressed a rural farming case, its reasoning provides broader guidance applicable to local communities generally:

*“It is necessary to reiterate that this Court has emphatically rejected the unilateral implementation of both public policies affecting populations that depend on their surroundings to guarantee their subsistence and way of life, as well as measures designed to avoid, mitigate, or provide alternatives in situations involving negative impacts on their vital spaces. Therefore, the Constitutional Court has highlighted the importance of ensuring participation and dialogue with affected communities in all such interventions.”*

Earlier, through Judgment SU-039 of 1997, the Court established participation as a mechanism for protecting the ethnic and cultural integrity of Indigenous peoples:

*“The exploitation of natural resources in Indigenous territories must be compatible with the protection that the State must provide to the social, cultural, and economic integrity of Indigenous communities. As previously established, such integrity constitutes a fundamental right because it is directly linked to their survival as both a human group and a culture. Precisely to ensure such survival, when natural resource exploitation is undertaken within Indigenous territories, community participation in decisions authorizing such exploitation has been established.”*

“... ”

*“In the Court’s view, participation of Indigenous communities in decisions affecting them in relation to natural resource exploitation acquires the status of a fundamental right because it becomes an essential instrument for preserving their ethnic, social, economic, and cultural integrity and therefore ensuring their survival as social groups.”*

Many of these principles regarding participation and its protective function were further developed in Judgment SU-123 of 2018, which again emphasized the value of participation and consultation:

*“The fundamental right to prior consultation is grounded in the protection of Indigenous and tribal peoples and in overcoming the historical exclusion they have faced. It establishes a governance model in which participation is an indispensable prerequisite for guaranteeing other rights and interests of communities, including cultural integrity, self-determination, territory, and the use of natural resources.”*

Finally, Judgment C-030 of 2008 extensively developed the right to participation and its practical effectiveness, assigning three spheres of protection: participation in decisions directly concerning Indigenous peoples, participation in decisions that may indirectly affect them, and participation through the exercise of self-government.

## **11. How Can the Alteration of a Sacred Site Be Prevented?**

The best way to prevent the alteration of a sacred site is through an approach that combines the following actions:

- Properly consult Indigenous communities (through Due Diligence processes), through their representative authorities, to identify whether sacred sites exist and where they are located.
- Avoid, to the greatest extent possible, any form of intervention in such sites by adopting a prevention plan that can be communicated and transferred to contractors and all actors

involved in the operation of projects with the potential to affect them. Such prevention plans should be developed in coordination with the respective Indigenous community.

- If intervention in a sacred site becomes unavoidable, agree with the Indigenous community on the most appropriate management measures, always ensuring that such measures are culturally appropriate, such as conducting rituals, spiritual ceremonies, or similar practices.

## 12. What Consequences May Arise from Altering an Indigenous Sacred Site?

The potential consequences are varied and may include:

- **Legal consequences:** Violations of collective fundamental rights belonging to Indigenous communities or peoples may arise, resulting in potential legal exposure and judicial proceedings.
- **Social consequences:** Conflicts and tensions may emerge between companies and communities.
- **Corporate consequences:** Reputational or image-related costs may arise, potentially affecting public trust.
- **Cultural consequences:** Severe cultural damages and impacts may occur within communities. Although these impacts may not always be evident from an external perspective, they may represent profound forms of suffering for Indigenous peoples due to their cultural significance.