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ARTISTIC EXPRESSIONS, SENSITIVE BEINGS AND ECOSYSTEMS: NEW LAW SUBJECTS

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ABSTRACT

This project aims to identify the rights of sentient beings and ecosystems, through participatory and community artistic expressions. Therefore, the objective is to imagine relationships with sentient beings and ecosystems as new subjects of rights, representing them through collaborative artistic expressions. seeking to design a representative language of sentient beings and ecosystems; seeing natural consciousness, as an intrinsic and inescapable element, thus becomes the basis of environmental eco-aesthetic creation. Environmental awareness is positioned as an essential conceptual reference for the elaboration of quality works, whether in painting, drawing, performance, video art installation or other forms of artistic expression. As Ortuño (2024) points out, eco-art practices represent an aesthetic commitment to environmental sensitivity, integrating critical discourses on the natural environment and contributing to awareness-raising processes in different audiences. As a consequence of the above, this scientific article seeks to highlight the social relevance of environmental rights in Colombian culture, with the intention of transmitting awareness and respect for nature, through art, promoting empathy towards ecosystems and species, and contributing to the improvement and halting of the degradation of the planet through artistic creation. It seeks to unite apparently separate worlds, art, environmentalism and jurisprudence, generating a dialogue that transforms consciences and promotes the balance between natural well-being and our relationship with resources.

KEYWORDS: Environment, Art, Environmental Protection, Environmental Legislation.

1. INTRODUCTION

In recent years, a legal and social debate has been generated, related to the protection of the environment and biodiversity, especially in relation to the guarantees of the rights of present and future generations. This interest translates into the formulation of principles, norms or strategies linked to the active preservation of individuals, communities and different social sectors. From this point of view, environmental protection is configured as a collective issue that permeates multiple scales of action and decision-making.

From the national context, the Political Constitution of Colombia (1991) recognizes the environment, not only as a fundamental right, linked to life, health and physical, spiritual and cultural integrity, but also as a duty that commits the authorities and individuals to its protection. This double dimension has opened the way for a critical review of legal approaches, which allows us to rethink the relationship between society and nature beyond an instrumental and anthropocentric logic.

At present, nature is not only conceived as the environment and environment of human beings, but also as a subject with its own rights, which, as such, must be protected and guaranteed. In this sense, ecosystem compensation entails a type of restitution applied exclusively to nature. A position that has mainly found justification in ancestral knowledge in order to the principle of ethnic and cultural diversity of the Nation.

Given the importance that human beings have in the environment, we must be aware of the interdependence between living beings and planet earth, being a fundamental part of the biosphere, leading to the need to live in a healthy environment to lead a dignified life and in conditions of well-being, which implies protecting the ecosystem and living organisms. Taking into account the principle of cultural and ethnic pluralism that supports it, as well as the ancestral knowledge, uses and customs bequeathed by indigenous and tribal peoples.

In recent decades, Latin America has linked human rights with the environment, promoting the right to a healthy environment, which is analyzed together with current environmental regulations, to design conservation strategies aimed at mitigating current and future threats.

2. METHODOLOGY

In coherence with the transdisciplinary character and the interpretative perspective that guide this project, the research is developed from a qualitative approach, which allows us to understand complex phenomena from the analysis of meanings, contexts

and situated social practices. This approach is pertinent to address the relationships between art, sensitive ecosystems, and environmental law, insofar as it privileges a deep understanding of the cultural, symbolic, and normative processes involved (Hernández Sampieri *et al.*, 2018).

Methodologically, the study articulates tools from the social sciences and the processes of artistic creation, integrating action research and creation-research. Action research is assumed as a strategy that links the production of knowledge with the active participation of the subjects involved, allowing critical reflection on reality and promoting transformations based on practice (Kemmis & McTaggart, 2005). On the other hand, research-creation is understood as a mode of knowledge generation in which artistic processes not only constitute an expressive medium, but also a legitimate form of inquiry and academic reflection (Borgdorff, 2012).

For the development of the study, qualitative information is used aimed at the description and analysis of current environmental regulations and the ecological, social and cultural characteristics of the high mountain ecosystem.

3. LEGAL AND ARTISTIC BACKGROUND:

Sentient beings and ecosystems, new subjects of rights:

Since the T-622 ruling of 2016 recognizes the Atrato River as a subject of rights, this ruling, the first in Colombia, proposes legal challenges on the care of water bodies. From the ontologies of the social sciences, the paradigm on the notion of the subject changes and the anthropological conception on uniquely human feelings and expressions expands, however from the legal sciences a great responsibility and a great risk are assumed since these bodies need human legal representations before the court.

For the social and human sciences, the possibility of talking about ontologies makes it possible to understand natural beings as sentient, according to Arturo Escobar.

Law 1774 of 2016 amends the Civil Code, Law 84 of 1989, the Criminal Code and Criminal Procedure, and aims to protect sentient beings against suffering, mistreatment and pain.

Judgment C-035 of 2016 and T-361 of 2017, the Santurbán páramo was protected, a delimitation that provides the highest degree of protection of the ecosystem, since the effectiveness of a fundamental right to water depends on it, circumstances that were reaffirmed when the Administrative Court of Boyacá declared that the Pisba páramo is a subject of rights in favor of the Convention on Biological Diversity.

On the different sentences, the voice of the feminist fiction writer Donna Haraway and her text *Seguir con el problema* has been very present, where she proposes a series, not of definitive answers as absolute truths, but a series of possible fictions to extend the life of these bodies in the midst of geopolitical conflicts.

The Cambridge Declaration on Consciousness was drafted by Philip Low and revised by Jaak Panksepp, Diana Reiss, David Edelman, Bruno Van Swinderen, Philip Low and Christof Koch. The Declaration was publicly proclaimed in Cambridge, UK, on 7 July 2012, at the Francis Crick Memorial Conference on Consciousness in Humans and Non-Human Animals, held at Churchill College, University of Cambridge, by Low, Edelman and Koch. The Declaration was signed by the conference participants that same afternoon, in the presence of Stephen Hawking, in the Balfour Room of the Hotel du Vin in Cambridge, UK. The signing ceremony was recorded for his memory by CBS 60 Minutes. where the following was stated: "The absence of a neocortex does not seem to prevent an organism from experiencing affective states. There is converging evidence indicating that nonhuman animals possess the neuroanatomical, neurochemical, and neurophysiological substrates of states of consciousness, along with the ability to display intentional behaviors. Consequently, the weight of evidence indicates that humans are not the only ones to possess the neurological basis that gives rise to consciousness. Non-human animals, including all mammals and birds, and many other creatures, including octopuses, also possess these neurological substrates.

Judgment T-080 of 2015 indicated that in this line, constitutional jurisprudence has taken into account ancestral knowledge and alternative currents of thought, going so far as to maintain that "nature is not conceived only as the environment and environment of human beings, but also as a subject with its own rights, which, as such, must be protected and guaranteed." (Corte Constitucional 2016)

Luis Javier Moreno Ortiz (Non-human persons): "The change implied by having animals as people is one of the most profound that the law can experience. In fact, it is not simply a matter of expanding the concept of person, but requires reconceptualizing this fundamental category, in terms radically different from those used so far. In this task, the defining axis of the personality changes its north, because although it retains the requirement that the person is a living being (with the fiction of legal persons), it alters what is related to his condition as a rational agent or moral

agent, to consider as relevant his condition of being sentient or capable of feeling pain and suffering. Therefore, a person will be any living being capable of feeling and suffering, which is a more inclusive concept of person that, however, does not encompass all animals, but only those that have a developed nervous system, because without it pains and suffering are not possible." (Moreno Ortiz 2019)

Adding to this "The human being, despite his pretensions to rationality, is often guided by his instincts. Such is the strength of instinct that in extreme situations, a very strong will is required not to succumb to the sometimes selfish call of self-interest and also to consider the interest of other human beings. in the animal this ability to overcome its instinct is not only considered unusual, but seems impossible" GRAY, John. *The silence of the animals. On progress and other modern myths*. Madrid: Sexto Piso, 2018. P. 63-71.

4. ART AND ENVIRONMENT:

Ecosomatics as a way of studying the symptoms of the ecological both in the environment and in human bodies is a term that the Argentinian philosopher and dancer Marie Bardet puts into circulation in her book *Making Worlds with Gestures* in which she proposes that "an ecosomatic perspective refers to a proposal of a counter-model of the body that aims to account for the links between the environment, body and mind" through his thought the idea of articulation and assembly, invites us to think of ourselves as the gesture is what forms the body and in that sense the world. Imagine, reader, that he spends his whole life weaving or with a hoe plowing the earth, these movements give position to the body, to the habit and to the shape of the world. In this sense, it invites us to think about what is the desire or intention that gives rise to that gesture. (Bardet 2020)

In the philosopher's words Hannah Arendt, these actions, labors or labors (1971) shape the world, they ask us about biopower but at the same time about what moves us in terms of political action. The thinker Suely Rolnik, in her text *Spheres of Insurrection: Notes to Decolonize the Unconscious*, proposes a micropolitical construction of desire that orients and gives rise to new ways of relating to more than human beings.

From there we want to propose fiction as a political place from the arts for the imagination of possible representations, symbolisms and languages that allow us to create and propose ways of relating in the midst of environmental justice, the beings who are subjects of rights are.

5. HIGH MOUNTAIN ECOSYSTEM:

High mountain ecosystems face significant threats due to the inadequacy of a regulatory framework that contemplates their specific protection. Decree 2372 of 2010, although it regulates the management of the páramos in general, does not recognize the critical importance of these environments, nor does it establish concrete measures to guarantee their conservation. This has allowed various human activities, such as the expansion of the agricultural frontier, cattle ranching, mining, uncontrolled urbanization and mass tourism, to rapidly degrade the habitat, compromising the survival of various emblematic species and the ecosystem benefits they provide.

In addition, environmental degradation has a cascading effect on the biodiversity of the páramos, ecosystems recognized for their high endemism and key functions in climate change mitigation, such as carbon capture and thermal regulation. The fragmentation of their habitats reduces ecological connectivity, affecting both dependent species and essential ecological processes, which in the long term can lead to environmental collapse.

From a social perspective, the degradation of the high mountain ecosystem implies a direct violation of the right to a healthy environment, enshrined in Article 79 of the Political Constitution of Colombia of 1991. Communities that depend on water sources are threatened with their security and quality of life, facing higher costs to access the resource, reduced economic opportunities based on a sustainable environment and greater exposure to environmental risks. The lack of clear legal measures not only perpetuates this ecological and social crisis, but also jeopardizes the long-term stability of the páramos as humanity's environmental heritage.

A rich biomatic diversity contributes to soil protection by preventing erosion in areas where climatic and topographical conditions could facilitate it. Its defence favours the stability of the ecosystem, providing habitat and refuge to numerous species of flora and fauna that, in many cases, are also endemic to the moors. This balance is critical in a global context where mountain ecosystems are especially vulnerable to the effects of climate change.

This natural environment faces multiple threats, such as the expansion of the agricultural frontier, mining, unregulated tourism and urbanization. These activities not only fragment habitats, but also alter the ecosystem benefits they offer, directly affecting the human communities that depend on them. The lack of a legal framework that recognizes their importance and implements specific measures

for their protection increases their vulnerability and accelerates their degradation.

From a social point of view, art, through observation, drawing, performative experiences, relational gestures and measurement and circulation activities, plays a fundamental role in the protection of the environment, as it allows people to understand, value and respect nature from a closer and more conscious perspective. By looking closely at the natural environment and then representing it through drawing, a deep connection with the landscape, animals, plants and the cycles of life develops. This practice encourages attention to detail and respect for natural resources, helping both farmers and the general population to recognize the importance of conserving the environment on which they depend for their subsistence and well-being.

For the inhabitants of the high mountains, the aesthetic experience with the environment strengthens traditional knowledge about the land, enhancing the commitment to environmental care and sensitive relationships with the environment. With the artistic vision of crops, soils, water sources, mountains and local fauna, greater awareness is promoted about the changes that occur in nature, such as soil erosion, water scarcity or loss of biodiversity. Drawing becomes a tool to visually record these changes and reflect on more sustainable agricultural practices, such as soil care, responsible water use, and ecosystem protection. In this way, art not only has an aesthetic value, but also an educational and practical one, as it helps to strengthen a harmonious relationship between human beings and the earth.

In society at large, observation-based art fosters environmental sensitivity by inviting people to stop and look carefully at their surroundings. Drawing a tree, a river or a natural landscape implies recognizing its beauty and fragility, which awakens a sense of responsibility towards its conservation. Through artistic activities in schools, communities and public spaces, environmental education is promoted in an accessible and participatory way, allowing children, young people and adults to understand the importance of caring for nature in a creative and meaningful way.

In addition, the different artistic expressions facilitate the communication of environmental messages in a clear and emotional way. The images created from co-creation in relational and mediated activities can directly convey the consequences of environmental damage, as well as the importance of protecting natural resources for future generations. These symbolic interactions strengthen the collective

consciousness and motivate concrete actions, such as reforestation, recycling and the protection of local ecosystems.

Therefore, the protection of the environment today is articulated as a transversal axis between law and art, thus promoting a route based on environmental jurisprudence and clear mechanisms having art as a powerful tool to promote the protection of the environment in society in general. By promoting the connection with nature, respect for natural resources and reflection on human actions, art contributes to building a more conscious, responsible environmental culture committed to the care of the planet for its conservation, sustainability of páramo ecosystems and the quality of life of the communities that depend on its services.

6. CONCLUSIONS

To conclude, a parallel was evident in fieldwork: ancestral knowledge in order to the principle of ethnic and cultural diversity of the Nation, protect the high mountain ecosystem from a vision of respect for nature, while many rural sectors, without access to

environmental education, prioritize agricultural productivity and see these species as an obstacle. This disconnection reveals an urgent need for training, intercultural dialogue and territorial focus on conservation, from which it emerges as an indispensable concept to face the challenges of the present and future of societies of culture vs. nature.

In this order of ideas, recognizing environmental rights seeks not only to guarantee their ecological conservation, but also to strengthen the relationship between human rights, art, biodiversity and environmental justice. Thus ensuring the balance of the moors and the well-being of the communities that depend on them, conceiving nature not as the environment, but as the environment of human beings, intimately linked to life, health and physical, spiritual and cultural integrity, requiring the authorities and individuals to take actions aimed at its protection, all this under the gaze of a transversal axis between law and art, thus promoting a route to achieve clear mechanisms, having art and law as allied tools to promote the protection of the environment.

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