Faculty of Human and Social Sciences

Degree in International Relations

Final Degree Project

What They Wore Was Never Theirs:

The Wayuu Weaving in a World of Fast Fashion.

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Para quienes tejen, portan y preservan su identidad en cada gesto.

To own what is yours is to remember, to reclaim, to rewrite.

Abstract

In the age of globalization and non-interrupted consumerism, fashion has become an unceasingly growing cultural phenomenon, driven by trends that strongly influence what we perceive as desirable. However, we rarely question the origins of the designs we use, or the cultural value hidden in the garments we wear. This paper aims to explore the concept of cultural appropriation by analyzing how global fashion has made use of traditional cultural elements, particularly from Latin America, possibly decontextualizing or exploiting them without granting due recognition to their communities of origin.

Through the analysis of relevant cases and a critical approach this thesis will examine the ethical, cultural and economic repercussions associated with cultural appropriation in the fashion industry. Furthermore, it will also explore initiatives that have deliberately chosen to acknowledge and respectfully work with communities of origin, highlighting the role of fashion as a means cultural preservation and valorization.

The final objective is to clarify the conceptual delineation between cultural appropriation and ethical inspiration, looking to promote a debate on the impact of global fashion on cultural identities and exploring the possibility of constructing a more conscious and respectful model.

Key Words: *Cultural appropriation, indigenous knowledge, Wayuu weaving, fashion industry, ethical inspiration.*

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1. Introduction

In the frenetic universe of global fashion, where trends shift extremely fast, and meaning is easily overlooked, Wayuu weaving has taken on a prominent yet unsettling position. Woven by indigenous women from the region La Guajira, between Colombia and Venezuela, these garments are the product of an ancestral practice that intertwines identity, territory and collective memory.

Their presence on stages such as runways, showcases and digital networks reflects an issue of great relevance: What happens when a cultural symbol is appropriated? Where does the fashion industry draw the line? Is it appreciation or appropriation? Collaboration or dispossession?

The case of Wayuu textiles reveals the mechanisms under which fashion appropriates cultural expressions without securing channels of dialogue, consent or reciprocity. Through labels such as “artisanal”, “boho”, or “handcrafted”, indigenous goods are aestheticized, edited and commercialized, on many occasions with no reference to their history or any possible benefit for their manufactures. Culture becomes a trend, heritage a mere commodity.

Nonetheless, this is not a unidirectional process, nor is it a silenced one. The people of the Wayuu community and their supporters have challenged this dynamic by raising the debate of property, authorship and justice. Their weaving techniques are not only a visual statement, but it is also as much a political act, a form of resilience and cultural sovereignty. In a realm where fashion often praises the aesthetics whilst ignoring its roots, the Wayuu history encourages us to rethink how value is created, who tells the narrative, and what it may mean to inhabit someone else’s worlds.

2. Purpose and Motivations

This thesis aims to conduct a critical analysis of the conceptual delineation between cultural appropriation and ethical inspiration, questioning whether it is possible for both to coexist. By exploring the case of Latin America, particularly Colombia and Venezuela, the investigation will examine how indigenous cultural practices, specifically the weaving techniques of the Wayuu community, have been subjects of appropriation and commercialization in the fashion industry, therefore the thesis will properly study the ethical implications of utilizing these cultural elements without recognition or fair compensation, and the extent to which a framework can be built to preserve and respect cultural heritage while simultaneously enabling creative innovation in fashion.

The motivation for this research is born from the need to stop the cycle of consumption and consider, from an ethical and sustainable point of view, how the fashion industry could respect the cultures that have played a vital role in its emergence. As members of this growing market, it is important to reflect on our consumption habits, where they come from and who are the hands that create the garments of what is currently becoming a trend. On a personal level, this study is a tribute to the culture and roots that shape not only my identity, but that of so many women who have defined the textile heritage of Latin America.

To think of Wayuu women is to reflect on resistance, remembrance and the passage of knowledge through multiple generations, in a world in which many artisanal practices are considered inferior or confined to informality. In a time in which fashion is fast-paced and the ephemeral imposes, Wayuu weaving represents a contraposition to the disposable: each fabric carries a history, a unique methodology that has evolved over time and a connection by which the weaver and the person who wears the garment are linked. This project aims to expose this practice as an art of greater importance, that not only deserves recognition in cultural aspects, but also protection and dignity in economic and legal aspects.

3. Objectives

This paper examines cultural appropriation and the commercialization of the indigenous craft customs in the fashion sectors, using the Wayuu community from Colombia and Venezuela as an example. From a comparative perspective, it seeks to assess if existing policies truly preserve indigenous cultural production, or if they instead facilitate its exploitation without securing direct beneficial effects for its creators.

3.1.Specific Objectives

- Study the concept of cultural appropriation in the field of fashion and its consequences for indigenous communities, focusing on the case of Latin America.
- Distinguish the legal systems and protection policies in Colombia and Venezuela, assessing their impact on the protection of indigenous cultural heritage and copyright law.
- Examine cases of cultural appropriation or assimilation in the fashion sector, including cases of designers and brand that have adopted indigenous textiles techniques without recognition or equitable retribution.
- Explore the commercialization effect of Wayuu handicrafts, analyzing how weavers view access to adequate financial advantages and the effectiveness of cultural conservation policies.
- Clarify the conceptual delineation between cultural appropriation and ethical inspiration, establishing a distinction between legitimate creative use and indigenous cultural exploitation.

4. Methodology

This thesis will adopt a qualitative approach, exploring the issue of cultural appropriation in the fashion industry through the lens of documentary analysis and case study methods, particularly focusing on the commercialization of Wayuu weaving in Colombia and Venezuela.

The investigation will entail a revision of existing literature and legal frameworks to comprehend the cultural, ethical and economic dimensions of the topic. It will analyze how Wayuu design techniques have been brought up into the fashion industry and commercialized by brands, considering whether these actions involve respect and acknowledge the cultural origins of the designs or exploit them.

5. State of the question

In recent years, alongside the peak of globalization, there has been significant growth in the fashion industry and the aspects that shape it. Attire not only mirrors people's identity and possible position within society but also possesses the capacity to communicate its very own language through textiles and styles. As fashion adapts and converges across cultures, debates and opinions about its misappropriation intensify, especially when such apparel includes borrowed imagery from indigenous cultures, with no recognition or benefits from their cultural roots.

The case of the Wayuu, which are different textile elements, mostly bags knitted by women from this indigenous community in La Guajira, an area that boarders Colombia and Venezuela, is a vivid representation of how cultural craft practice can be taken from an expression of heritage to a mass consumer product, without giving benefits or recognition to those who created it. Wayuu weaving is not solely a technique, but a visual language that carries the history, philosophy and resistance of a community that for generations has managed to maintain its identity while facing political, economic and cultural changes that have marginalize it.

As the world moves faster every day, cases of designers and brands incorporating Wayuu techniques are becoming more prominent and, consequently, more noticeable. These instances, often involve appropriation, where the cultural heritage is neither acknowledged nor are properly compensated, depriving the Wayuu of their own cultural context and turning their art into mere trendy accessories. On the contrary, in other instances, models of collaboration have been implemented, seeking to integrate the women weavers into fair trade schemes. However, the problem persists: is the indigenous Wayuu culture and art protected? And are there real mechanisms to safeguard their sovereignty over their own textile tradition?

In terms of the legal frameworks in existence, both Colombia and Venezuela have introduced measures to address the preservation of Wayuu culture and weaving, but there are still significant discrepancies in their legal approaches. Although Colombia has recognized the art craft of this indigenous community as "Intangible Cultural Heritage of the Nation" *(Patrimonio Cultural Inmaterial de la Nación),* there is a notable absence of a specific law on collective intellectual property, therefore it permits designers and brands to exploit these designs without the Wayuu people having any control over it. In

Venezuela with the "Law for the Promotion and Protection of Artisanal Development" *(Ley de Fomento y Protección al Desarrollo Artesanal)*, is intended to defend indigenous production, but its effect is limited in practice. While both countries use Wayuu art as a cultural and commercial symbol, there is still a remaining question: are these legal frameworks genuinely designed to protect the indigenous community?

Beyond the regulatory framework, it is critical to explore the Wayuu community's perspective, and to question to what extent the weavers consider themselves favored or abused by the capitalization of their production. Heritage policies aim to frame Wayuu culture as determinant part of national identity, but do these policies create tangible opportunities for the community? Or do they only serve to solidify Wayuu weaving as "national brand" without providing them with better living conditions? It is essential to reflect on how Wayuu women perceive their own work within an environment shaped by the fast fashion industry, which establishes what is valuable and what is not, often without their involvement.

6. Theoretical Framework

In order to understand the problematic nature of cultural appropriation in the fashion industry, it is essential to analyze in depth the theoretical frameworks that sustain it. This section will explore the most relevant concepts, debates and academic perspectives on cultural appropriation and appreciation, the structural inequalities that underlie these dynamics, and the ethical and legal constraints that seek to protect the cultural heritage of indigenous communities. To this extent, the fundamental contributions of philosophers, international organizations and jurists will be analyzed, as well as the concepts of ethical fashion and sustainability as instrumental tools in the face of cultural commercialization. These theoretical foundations will allow for a deeper understanding of the specific case of the Wayuu weaving and their insertion into the global fashion market.

6.1. Defining Culture: The Relationship Between Shared Meanings and Mental Architecture

Prior to addressing the main thesis of this study, it is necessary to establish a comprehensive definition of culture, as this is fundamental to understanding cultural appropriation within the context of the fashion industry. The concept of culture has been explored through various theoretical perspectives, while some of these are complementary, others present fundamental differences in their understanding of how cultural meaning is constructed and disseminated.

Within the interpretative anthropological framework, Clifford Geertz (1973) has suggested that culture can be perceived as a network of shared meanings, which are expressed through symbols. These symbols enable people to understand their reality and influence their behavior. According to this approach, culture is not found in the individual mind, rather, it is manifested publicly through practices, objects and discourses that acquire meaning within a specific social and historical context. Therefore, cultural expressions such as Wayuu weaving must not be analyzed by simplistic means as mere decorative or aesthetic elements, but as symbolic manifestations rooted in collective memories and belief systems that give meaningful significance to the practice. From this standpoint, culture functions as a public discourse that is contingent on contextual interpretation, and its significance can be modified or even rendered obsolete when it is decontextualized or reinterpreted through the lens of foreign cultural paradigms.

By contrast, authors such as Pascal Boyer (2018) have proposed an alternative view from an evolutionary cognitive anthropological stance. According to this view, culture is the product of the interaction between evolved cognitive mechanisms and constantly changing social environments. Instead, this theory claims that the human mind does not operate in a generalist manner, but that is possess specific learning systems that are evolutionarily shaped to process certain types of information, such as language, social standards or emotional connections. Cultural representations that correspond to these cognitive traits are more readily transmitted and tend to stabilize over time, acting as “cultural attractors”.

In this regard, while both perspectives offer insights into various dimensions of culture, this study places particular focus on an interpretative and critical viewpoint,

conceptualizing culture as a domain of symbolic dispute that is intricately interconnected with power relations.

6.2.Cultural Appropriation: Definitions and Debates

Cultural appropriation can be defined as the act of *"the taking of cultural elements or goods from a cultural collective that is not the same as the one to which the person who takes the elements or goods in question belongs"* (Rodríguez Guillén, 2020). This concept has been extensively analyzed from a variety of perspectives, and there has been a consensus on three fundamental characteristics for its comprehension: its relational character, its forms of configuration and the effects it generates. (Ziff & Rao, 1997, in Rodríguez Guillén, 2020).

Primarily, the concept of cultural appropriation as a relational act signifies the process by which one individual or group assumes the cultural elements belonging to another, thereby it stablishes relationships characterized by factors such as ethnicity, race, gender or age. This dichotomy gives rise to the question of who possesses the right to a cultural element and who does not, frequently within the context of contemporary Western-style conceptions of ownership that often may fall as individualistic and exclusivist because of its nature. Secondly, the act of appropriation manifests in a variety of forms, commencing with the literal appropriation of a cultural artefact and culminating in more abstract forms, such as the appropriation of symbols, concepts or identity styles. Thirdly, it can be observed in the effects that the appropriation produces, including spiritual, symbolic, economic, and political consequences that disproportionately impact culturally subordinated groups, frequently within the contexts characterized by a legacy of systematic marginalization. (Rodríguez Guillén, 2020; Ziff & Rao, 1997).

Cross-cultural trafficking has existed for decades, but the cultural appropriation phenomenon has gained greater visibility in the most recent years due to the consequences of the rise of globalization and the consumerism generated by it. Thus, it cannot be studied in isolation, as it must consider the historical context behind it, colonization, racial mixing and ideological impositions, as many popular cultural expressions and art craft have been shaped, re-appropriated or even dislocated by processes of power that are external to the communities of origin. (González Tostado, 2020)

In a similar manner, in the domain of philosophy, James O. Young (2008) identifies various categorizations of cultural appropriation in art, including:

1. Object appropriation: Understood as the process of trans culturalization of tangible goods, by which cultural objects and products are transferred from one culture to another. A pertinent example of this phenomenon would be the transfer of traditional sculptures or artefacts to Western museums.
2. Content appropriation: The concept addresses the noticeable implementation of creative ideas or expressions created by artists from other cultures. Such cultural expressions can be manifested through media such as songs, narratives or visual productions. Within this category, Young distinguishes two types:
    2.1. Style appropriation: When style features from another culture are implemented.
    2.2. Motif appropriation: Similar to style appropriation, but in this case not all the style is appropriated, it is used as some form of inspiration.
3. Subject appropriation: It occurs when certain individuals from one culture represent people or institutions from another culture in their creations, without incorporating tangible elements from that culture, this phenomenon is also known as "voice appropriation", a terminology used when another person's experience is narrated in the first person.

In this context, these categories contribute to the complex understanding that cultural appropriation holds. According to Young, the concern is not with the cultural exchange per se, but with the condition under which it takes place. As he explains *"Artists from almost every culture are constantly borrowing styles, stories, motifs, and other content from cultures other than their own but this borrowing is only rarely wrongfully harmful. Sometimes this borrowing is offensive, but even so most of the time artists do not act wrongly so long as they observe appropriate time and place restrictions."* (Young, 2008, p.152). While the author considers that such actions can be offensive, especially when directed at historically marginalized groups, the offence alone does not necessarily imply moral wrongdoing.

Later, however, Young, in collaboration with Brunk (2009), also defined the power of appropriation in its broader structural dimension, highlighting that cultural appropriation is indeed problematic because it is most often constructed within structures of domination and exploitation, as the majority of source communities have limited agency over their work. Such acts of appropriation can therefore further deepen existing inequalities by denying source communities both economic benefits and interpretive control over their own heritage. The ethical concerns, then, do not arise from cultural borrowing itself, but rather from the asymmetrical power relations that shape these exchanges and often replicate exploitative colonial patterns under the cover of artistic freedom. (Young & Brunk, 2009)

These structural and appropriation dynamics are especially visible in today's global fashion industry. From a system historically shaped by Western aesthetic norms, fashion has often served as a vehicle for perpetuating unequal cultural power relations. The use of traditional designs, elements and garments of marginalized communities without consent, attribution or fair compensation demonstrates how cultural appropriation in the fashion world is often not an act of cultural appreciation, but a practice that capitalizes identity. (Scafidi, 2005; González Tostado, 2020)

Therefore, for a better comprehension, it is important to distinguish between cultural appreciation and cultural appropriation. While appreciation often takes the form of a respectful, contextualized and reciprocal relationship with elements of other cultures, the latter involves decontextualized appropriation, often mediated by asymmetrical power relations and for commercial purposes. While this distinction may seem subtle, it has profound implications for analyzing the historical structures of domination that underlie contemporary cultural exchange.

6.3.Postcolonial Dynamics, Power Asymmetries and Collective Rights

Under a post-colonial perspective, the dynamics of appropriation are inherently linked to asymmetrical power relations left over from colonialism, in which dominant cultures take symbols, expressions or knowledge from historically oppressed communities without establishing an equitable relationship or recognizing their cultural autonomy.

Hence, cultural appropriation manifests itself not only as a form of aesthetic or economic acquisition, but also as a silencing mechanism. As Ramírez Cotal (2021) has state *"we understand cultural appropriation not only as theft, but also as a device that favors the absence of the other, that makes it possible to avoid the relationship with the other, that materializes the silencing of their voice and an invisibility that leaves them at the margins of a possible space of relationship"* (Ramírez Cotal, p.10, 2021). This act not only reduces indigenous groups to the role of suppliers of cultural resources but also deprives them of the possibility of actively engaging in the construction of meanings about their own identities.

This extractive methodology has been particularly prominent in the fashion industry, companies frequently appropriate indigenous motifs and artisanal techniques, failing to establish real connections with communities or acknowledge their collective rights. In the same author's words *"when fashion brands avoid creating a link with the communities that are used to their advantage. The social link, moreover, allows them to establish a relationship of exchange with them, and obliges them to reciprocate, from Mauss's perspective of giving, receiving and giving back."* (Ramírez Cotal p. 10-11, 2021).

This reference to Marcel Mauss, a French anthropologist who analyzed the importance of exchange as a social bond in his *"essay on the gift"* (1925), is revisited by Ramírez Cotal (2021), who draws on these thoughts to point out that cultural appropriation should not confined to an aesthetic transfer, but rather that it should be an act that initiates relationships of recognition, reciprocity and responsibility. In the model of *"give, receive and return",* not returning the *"gift"* is equal to breaking the connection and denying the existence of the other. The absence of such reciprocity is indicative of the way in which many contemporary fashion practices are driven by a capitalist logic that privileges profitability over intercultural respect. (Marcel Mauss, 1925; Ramírez Cotal, 2021)

Collective rights are one fundamental protection, aimed at securing the cultural heritage of indigenous peoples against these extractive and asymmetrical practices. Contrary to conventional intellectual property, which is based on individualistic, exclusive and temporary conceptualizations, collective rights establish the existence of shared, continuous and culturally ingrained ownership of intangible property.

This approach has been echoed in various international agreements, notably in the United Nations Declaration on the Rights of Indigenous Peoples (2007), Article 11 of which states:

"1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs." (United Nations, 2007, Article 11).

6.4.Ethics, Recognition and Sustainable Fashion

In analyzing cultural appropriation, it is also fundamental to consider the ethical implications of the actions involved. From a theoretical stance, this evaluation transcends legal and artistic considerations, raising deeper questions concerning symbolic justice, reciprocity, and cultural autonomy. In this sense, the problem stems not only from the use of traditionally cultural elements, but also from the absence of fair and respectful relations with the communities of origin.

Under this approach, recognizability has been described as a central ethical principle for addressing cultural inequalities. Charles Taylor (1994) in his research on multiculturalism that identity is not an innate construct, but a dialogic construction that is shaped by interaction with others and with the cultural sphere. This suggest that not publicly recognizing certain cultural identities can be a subtle form of silencing or marginalizing those who do not conform within the dominant models. In the field of fashion, this approach challenges the notion of cultural appropriation as a practice that occurs without permission and imposes symbolic power hierarchies by denying communities the ability to represent and reinterpret their own imagery.

From the ethical angle, it is worth examining proposals that advocate structural change within the consumerism system. In this regard, the *"Earth Logic, Fashion Action Research Plan"*, which was developed by Kate Fletcher and Mathilda Tham in 2020, provides an alternative framework that questions the extractivist bases of the industry and proposes a transformation centered on sustainability, recognition and respect.

The authors assert that the prevailing logic of economic growth is closely related to Western hegemony, human exceptionalism, and the patriarchal system, as an alternative, they propose an *"Earth Logic"* that prioritizes the health of the planet over corporate profit or industrial performance. This new paradigm is founded on values such as interdependent, epistemic variety, productive reallocation and social justice, and translates into actions that they call *"less, local, plural and learning"*.

According to Fletcher and Tham the *"Plural"* action is particularly relevant in this context, because it *"shifts our fashion perspectives to other foci, and explores what fashion can mean, what it can be and do in a pluriverse (Escobar, 2018). This form of decolonization involves new centers for making fashion, and also new ways of thinking and doing research, such as from feminist, indigenous and nature-based perspectives (Tuhiwai Smith, 1997). Foremost it involves setting fashion free from its prominent association with consumerist ideals and also making it open to voices that are marginalized by the dominant narrative of contemporary fashion activity. Creating platforms for envisaging fashion futures with a diversity of voices is interdependent with opening up language and ways of knowing (Tham, 2015: Sardar, 1999)."* (Fletcher & Tham, 2020, p.44)

Taking an ethical and sustainable approach to cultural appropriation therefore involves challenging the power structures that lie at the heart of the fashion industry, while also developing new ways of engaging with the communities and the planet. These approaches place recognition, care and diversity at the forefront, providing an integral theoretical framework for comprehending instances of cultural appropriation, particularly in settings characterized by historical inequalities, such as those experienced by the Wayuu group.

7. Analysis

The present project is structured with the aim of critically analyzing the cultural appropriation of indigenous weaving practices in the contemporary fashion industry, by focusing on a specific case that clearly illustrates the interplay between symbolic recognition, economic exploitation and legal protection. Based on the defined objectives, an analytical framework is proposed that considers two main dimensions: the cultural, symbolic and ethical dimension of weaving as an expression of identity, and the legal, economic and political dimension that regulates or permits its circulation and commercialization.

The first chapter will analyze weaving as an ancestral practice that is closely associated with systems of knowledge transmission, collective values, and female agency.[1] It will also explore how the fashion industry has committed appropriation of these practices without establishing relations of dialogue or reciprocity, thereby generating tensions between visible representation and decontextualization. The perspective of the weavers on these matters will also be considered, as well as the ethical challenges posed by the distinction between legitimate inspiration and cultural misappropriation.

The second chapter focuses on regulatory frameworks for cultural protection within specific national contexts, and on the formal and informal mechanisms for coordinating the commercialization of textile products. It compares existing public policies, assessing their actual scope in terms of defending collective rights and analyzing how benefits are distributed in the value chain. Finally, it proposes a discussion about the potential for establishing a fairer and more sustainable model in the relationship between indigenous communities and the creative industry.

These approaches therefore study cultural appropriation not as an isolated occurrence, but as an intersection of aesthetic practices, power structures, and disputes over the meaning and rightful ownership of cultural assets.

[1] While the emphasis in the study is on the agency of female because of the central role played by Wayuu women in weaving and transmitting their cultural heritage, it is also recognized that cultural creations and forms of resilience involve greater manifestations of collective agency in which men, elders and other community actors also participate. The use of the term “female agency” does not intend to exclude such contributions.

7.1.The Cultural, Symbolic and Narrative Dimensions of Wayuu Weaving.

7.1.1. The Wayuu Ancestral Practice and the Art of Weaving

The Wayuu community is an indigenous ethnic group inhabiting the territory of La Guajira, an area distinguished by its arid characteristics, and its cross-border region, which is located between the north-eastern corner of Colombia and the north-western corner of Venezuela. The ethnic group known as the Wayuu represent the largest indigenous population both in Colombia and Venezuela, are considered to be one of the most resilient communities in the Caribbean. The societal structure of the community is defined by a matrilineal system, which signifies that the affiliation of a clan, denoted as *"eirruku",* is transmitted through the maternal lineage. In this sense, women occupy a central role as guardians of not only knowledge and spirituality, but also collective memory. (González Mengual, 2024).

Across the centuries, the Wayuu people have maintained their distinctive customs and ancestral language, *"Wayuunaiki",* as well as an intimate connection with their territory. This connection is reinforced by a belief system that interweaves the physical and metaphysical realms. In this sense, the art of weaving transcends mere aesthetic embellishment and functionality to constitute a fundamental dimension in the conceptualization of individual and collective existence. For the Wayuu people, weaving is a means of conveying stories, preserving culture, promoting healing and constructing the world. It is characterized by its deep spiritual, symbolic and narrative significance, and is revealed as a unifying element between the various dimensions of their identity. These designs are not just attractive patterns; they also convey knowledge, represent historical memories, and reinforce connections among the land, the universe, and the community.

The learning of weaving has its beginning in the ritual of *"Sütaa Pa'ulu"* or the "confinement", a ceremonial transition that represents the transformation of the Wayuu women from childhood to adulthood. During this transition, the girls are held in seclusion under the supervision of their mothers, aunts or grandmothers, who teach them the basics of weaving: spinning, twisting, threads, handling the loom and embroidering, all of this, to create backpacks, *"chinchorros",* blankets, belts *(si'iras)*, and cords. This knowledge is taught not only as a means of acquiring a new technical skill, but also as a spiritual and cultural legacy. *"For the Wayuu, knowing how to weave is synonymous of judgement,*

creativity and intelligence… To be a woman means to know how to weave." (Artesanías de Colombia, 2016, p.14).

In the cosmovision of the Wayuu, the mystical figure that represents the origin of weaving is the *"Wale'Kerü",* a spider who, according to the legend, taught the women the first textile designs and the way to weave the threads. Her figure, featured in many tales, symbolizes patience, wisdom and the connection between nature and culture. Twisted thread emerged from her mouth as she wove creations at night. She was so skilled that, by dawn, she had finished a sash. This story is thought to demonstrate how the geometric patterns of weaving known as *"Kannasü"* are interpreted as a visual language inspired by spider webs, the cycles of nature and the memory of the land. (Artesanías de Colombia, 2016).

Figure 1. Wayuu woman weaving a mochila by hand. The act of weaving is not only technical but spiritual, connecting body, memory and territory.

Photography by Carlos Estévez (Proyecto Orígenes, Ecopetrol y Artesanías de Colombia).

Source: Saman Retreat, Ceremonial Tools. [2]

[2] Image retrieved on June 10, 2025, from Saman Retreat – Ceremonial Tools: https://saman.nextohm.com/Retreat/Ceremonial-tools/mochila/Wayuu/

The reference to *"Wale'Kerü"* is not only an origin myth, but also a pedagogical and spiritual principle that has shaped the history of weaving to the present day. Many weavers use its image as a symbol of inspiration, determination, and guardianship of ancestral wisdom. The wise spider reinforces the idea that weaving is connected to time cycles and the invisible thread that links human beings to the earth, dreams and guardian spirits. The figure of the spider also reminds us that knowledge is not only inherited through mothers and grandmothers, but from the natural world too, and that the Wayuu vision is profoundly animated and enriched with symbolic meaning.

Each weaving has a unique meaning, some *"Kannasü"* symbolize animals, while others represent natural phenomena or spiritual symbols associated with protection, lineage or ancestors. This symbolic language is directly linked to the emotional and spiritual experience of the environment and constitutes a form of non-verbal writing and a visual embodiment that enables the narration, preservation and activation of ancestral knowledge. Similar to a spoken text or a ritual ceremony, weaving transmits messages that may only be interpreted from within the culture that creates them. The weavers not only reproduce these motifs, but also interpret, combine and actualize them. By doing so, each piece incorporates their personal history, the memory of their clan and their relationship with the territory. In this way, each woven backpack or element becomes a unique capsule of living identity that tells without words, but with a depth of intensity for those who are able to observe.

In addition to its symbolic significance, the act of weaving also reaffirms the matrilineal structure of Wayuu society. It is the women who are responsible of guarding and transmitting the essential knowledge of their people. As said by the wise Pushaina, interviewed for the study of González Mengual (2024) *"Our Mother Earth is a woman and a grandmother at the same time, and the woman has a spiritual connection since creation, being flesh and womb of Mother Earth; that is why we say that the Wayuu woman inherited the flesh and matrilineality. Moreover, she is a product of the womb of the woman Mma (Earth), she was born from her, from her orifice as the first territory'" (*p. 71). This connection is within a larger vision that includes the entire Wayuu people as part of a sacred order*: "the Wayuu understand that they were conceived in the bosom of Mma (Mother Earth), where each being is translated within a sacred territory, where life is esteemed as the highest expression of a creative work"* (Chacín, 2016, p.14). By weaving, the women weavers are not only producing material goods, but they are also

reconstituting the threads of memory, sustaining the cosmological order and ensuring the cultural continuity of the people.

In the face of external threats and increasing consumerism, the significance of this practice increases. When confronted with issues such as commercial appropriation, excessive tourism or the marginalization of indigenous knowledge, weaving becomes an act of resistance. Each carefully and dedicatedly woven backpack is an assertion of cultural autonomy and a way of defending symbolic territory against the fragmentation of identity.

In la Guajira territory, the clans or *"eirruku"* have different textile customs that are revealed in their chosen colors, shapes and styles, which are rooted in the oral history and spiritual ties of each lineage. While these expressions vary, they all have a common insight: weaving is a form of dialogue between the visible world and the spiritual world, a relational act that reaffirms the connection with the land, the ancestors and the invisible forces that sustain the balance of life.

On an ontological perspective, it can be argued that weaving not only represents Wayuu culture but also constitutes it. It is a kind of memory and soul, a system of sensitive thought and a living archive. Each intertwined thread is an activated memory, a remembered norm, a silent teaching, hence, when its patterns are reproduced without consent or understanding, not only is a collective right violated, but a sacred language is profaned.

Besides its appearance and method of production, weaving is a spiritual experience that is closely connected to the Wayuu's worldview. According to testimonies collected in the Mayapo community, the act of weaving and knitting establishes a direct link with Mother Earth, the *"Aseyuus"* (protective spirits), and the ancestors who have reached *"Jepirra",* the sacred place of spiritual rest (González Mengual, 2024, p. 13–15). This connection is particularly apparent in the role of the Wayuu woman as an intermediary between the material and the sacred, the woman's body is considered a territory, and her ability to weave reflects her role in creating life, memory, and cosmic balance.

In the Wayuu culture, weaving is tied to the community's territory and spiritual beliefs. Each colour has a significance relating to the environment and worldview, ochre and brown represent the arid landscape of La Guajira, red symbolizes blood used in

protective rituals, and black represents the night and *"Sawai Piushi",* a spiritual figure associated with ancestral wisdom. These interpretations are passed down orally among women and strengthened through rituals such as plant baths and the *"yonna"* dancing ceremony. Whenever there are signs of environmental disturbance, some women carry out rituals involving plants such as *"malambo"* or adhere to traditional practices in order to restore spiritual harmony. (González Mengual, 2024, p 40-44)

Within the spiritual paradigm, dreams "lapü" are manifested as a channel of ultimate knowledge and guidance. For the Wayuu community, the act of dreaming is an experience that transcend physical reality, signifying a connection to spiritual dimensions where the body rests while the spirit rises and communicates with ancestors and protectors. As the author mentions *"When we dream, we manage to establish a non-verbal communication with the ancestors, it is like passing into another dimension, and it is the dream that allows us to establish that communication. Not all dreams are of orientation. When we feel ourselves to be Wayuu beings, we have the capacity to understand the orientations of these dreams and the messages they give us."* (González Mengual, 2024, p. 19). It is interesting to note that these dreams reveal knowledge that will later be woven, reinforcing the idea that weaving is a practice linked not only to the human body, but also to the air and sky *"latu u rülapü",* which opens the path to the light *"warattui"; "They are the ones who manifest the beginning of the light, of a new life, of a new beginning, a new day. The way to the Light. They are like a kind of dimension when the body sleeps or meditates and the spirit leaves the body to connect with other beings; the body is on earth, but the spirit is in the air."* (González Mengual, 2024, p.19).

7.1.2. Cultural Appropriation in Fashion: Cases and Categories

Within the domain of fashion, the concept of cultural appropriation emerges when cultural expressions belonging to historically marginalized communities are utilized by external agents, such as designers, brands and platforms, without the recognition, consent or compensation of the relevant parties. In the case of the Wayuu people, this appropriation is particularly evident in their backpacks, which are the result of an ancestral practice endowed with spiritual symbolism. These backpacks have been commercialized without the participation of the community or any fair retribution. The concept of appropriation signifies not only the extraction of an aesthetic element, but also a profound cultural displacement and a form of silencing.

As per the assertions put forth by James O. Young (2008), there are three distinct approaches to comprehending the acquisition of Wayuu weaving and its associated culture without explicit consent. Firstly, it is evident that there has been a clear appropriation of the object, this is evidenced by the separation of the backpack from its original context within the Cosmo visionary paradigm, and its subsequent circulation within global markets as a mere fashion accessory. This practice not only divests the weaving of its original meaning but also enables it to be reconfigured according to external aesthetic criteria, thereby deactivating its cultural function. From the Wayuu perspective, interventions from outsiders reincarnate the figure of *"Arijuna",* which is said to be the foreigner that interrupts their practices without any desire to comprehend and respect their visions. Secondly, there is an adoption of content, both in terms of style and motif. Brands and designers adopt the characteristic geometric patterns, color palettes and weaving techniques of Wayuu weaving without acknowledging their origin or collaborating with the community. Ultimately, there is the phenomenon of subject appropriation or voice appropriation, which occurs when outsiders of the community narrate the story, restructure their aesthetic or appropriate their narrative without incorporating properly their own native voices, criteria or forms of validation. This observation is exemplified by the prevalent use of indigenous imagery as a source of exotic inspiration in advertising campaigns, interviews and collections. However, this use of imagery does not extend to acknowledging the individuals or facilitating an understanding of the culture behind the inspiration and evolution. The three forms of appropriation described above converge to create a phenomenon of cultural silencing, perpetuating the cycle of marginalization within systemic structures.

A notable example of this is the increasing popularity of Wayuu backpacks, and of weaving in general, on platforms such as Etsy, Amazon and Instagram. Third parties sell these backpacks as “boho tribal bags” or “handmade ethnic purses”. Yet in cities such as Bogota and Cartagena, designer outlets purchase these backpacks from intermediaries for less than 40,000 Colombian pesos (less than €10) and then sell them on for over €100 in global markets. This system fails to recognize the original creators and does not ensure they are fairly compensated. This is extractive appropriation, the cultural product is taken and monetized in other circuits, wiping out the artist in the process.

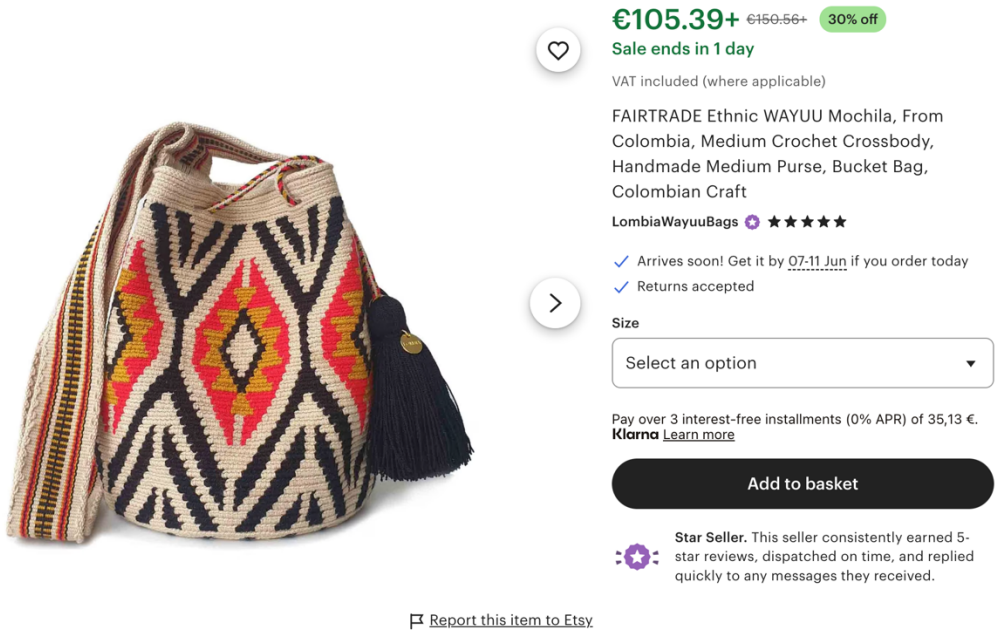

Figure 2. Wayuu backpack offered on the Etsy platform by a third party.

Keywords include *"Wayuu"* and *"Ethnic"*, but there is no information about the creator or the community of origin.

Source: Etsy platform.[3]

Furthermore, an exoticizing dimension and the phenomenon of symbolic whitening can be identified. This concept refers to the process by which the expressions of marginalized groups, such as their culture and art, are adapted to conform to the standards of dominant cultures, thereby losing their political, spiritual, or identity-based characteristics. In this sense, the object appears on the global stage as highly desirable and refined, detached from the social and symbolic realities of its place of origin.

This process can be analyzed in depth using the conceptual approach set out by Edward W. Said in his book Orientalism (1978). Said argues that the knowledge produced by the West about non-Western cultures is not unbiased, but forms part of a constructed structure of symbolic dominance. Orientalism defines the Orient as "other" and represents it as exotic, mysterious and inferior, making it seem as though it is open to interpretation, aestheticization and consumption by the West. Every representation is rooted in power

[3] Information and image retrieved on June 10, 2025, from the Etsy store *LombiaWayuuBags*: https://www.etsy.com/listing/917482050/fairtrade-ethnic-wayuu-mochila-from

relationships, the Western interpreter and the Eastern subject, the latter having no voice of its own.

This mechanism is evident in the way Western fashion incorporates and transforms Wayuu creations. Beyond its functional use, the Wayuu textiles represent a hand-woven cosmovision with spiritual, community, and territorial significance. However, when it is presented in a global showcase, it becomes a neutral texture, a commodified representation of otherness. As Said noted, the production of knowledge and aesthetics about “the other” rarely empowers that other to speak for themselves, instead, they are portrayed, archived, aestheticized and displayed, but silenced.

In this regard, symbolic whitening not only transforms indigenous cultures to make them more appealing to consumers, but also ignores their struggles, complexities and discourse. As the article *"How to speak of whiteness, whiteness and whitening in the Latin American context" (*2023) illustrates, these processes transform cultural heritage into a standardized commodity, eliminating anything that is perceived as uncomfortable, political or disruptive. Like African turbans or Indian saris, the Wayuu weaving have been inserted into a system that detaches them from their genealogies and reconfigures them as aesthetic artefacts devoid of meaning.

Similarly, Stella Rittwagen, a Spanish designer, was publicly criticized in 2014 for selling Wayuu backpacks without acknowledging the community or forming collaborative partnerships. The controversy was driven by campaigns and magazine mentions, such as in Vogue, as well as celebrity endorsements. These presented the backpacks as innovative fashion items without acknowledging their previous existence, their cultural significance or the artisans who made them. Although Rittwagen claimed that the bags were labelled “Handmade in Colombia by Wayuu Artisans”, this was deemed insufficient.

Amidst the intense public debate, designer Stella Rittwagen published a statement on her social media platforms. As documented by Barrera Jurado, Quiñones Aguilar and Jacanamijoy Juajibioy (2014), citing El Pulzo (2014), the open message contained the following statement: *“That without prejudice to the foregoing and on the understanding that this communication should put an end to the debate that has unfortunately arisen,*

Stella Rittwagen s.I. and its designer declare that they legitimately react to any disqualifications and falsehoods that may henceforth be publicly propagated." (p.44). [4]

Incorporating all the statements reflects the need to consider the experiences of everyone involved in the analyzed cases, particularly in such a sensitive field of study as cultural appropriation. Rather than passing judgement or fueling controversy, this work aims to provide a balanced and respectful exploration of the issues that arise when elements of indigenous cultures are adopted by the global fashion industry. The sensitivity of the subject requires an understanding of the coexistence of multiple perspectives, experiences and levels of knowledge, and of the need for academic analysis to be based on care, active listening and the ethical engagement of all parties involved.

Consequently, voices from the Wayuu community also expressed concern about the international visibility of their backpacks in the absence of their involvement. Zenaida Pana, an artisan and teacher in Riohacha, said, *"We are very sad because they are plagiarizing our ancestral heritage, we are defenseless because we have no one to defend us and we feel that the Arijunas (not born under the Wayuu ethnicity) are appropriating our design."* (El Heraldo, 2014). These statements reflect not only an awareness of material loss, but also of symbolic harm and institutional abandonment.

[4] This reference is cited strictly for academic purposes and aims to illustrate public discourse, not to issue value judgments.

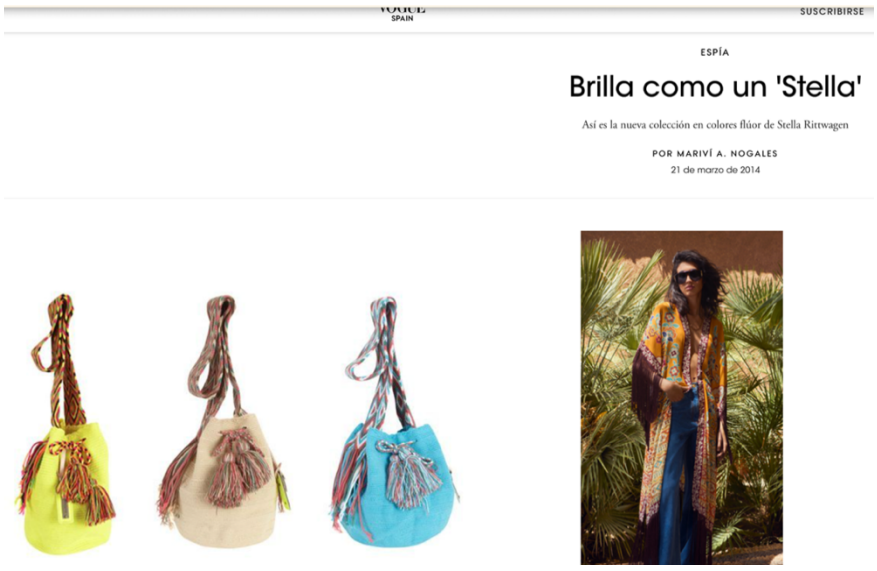

Figure 3. Wayuu backpacks marketed by Stella Rittwagen's brand mentioned in Vogue Spain as the new summer "trend".

Source: Vogue Spain.[5]

This case study demonstrates that cultural appropriation does not always manifest itself through conscious and deliberate actions, as might initially be interpreted. Instead, there is the potential for its manifestation through decontextualized acquisition, symbolic omission and the aestheticization of the native. The weavings, as a spiritual object interwoven with the fabric of imagination, are gradually transformed into a global commodity, one which is devoid of both history and territory. In this manner, the figure of *"Arijuna"* is reactivated as a representation of the outsider who appropriates, interprets and many times obliterates.

It is important to emphasize that the mere existence of consent or commercial exchange does not ensure the presence of an equitable relationship. In contexts characterized by structural inequalities, such consent is frequently influenced by circumstances that are not necessarily conductive to autonomy and informed deliberation. Women weavers, situated within the historical dynamics of subordination and dispossession, frequently concur to relinquish their works on terms that perpetuate their cultural invisibility. In such circumstances, the object may be transferred to new

[5] Information and image retrieved on June 10, 2025, from *Vogue España*: https://www.vogue.es/moda/espia/articulos/la-nueva-coleccion-en-tonos-fluor-de-stella-rittwagen/19326

ownership, but its significance is weakened, even when the weaving artefacts are circulated, the voices of its creators are lost.

7.1.3. Silenced Stories: the Wayuu Perspective

In the discussion of cultural appropriation, one of the most disturbing silences stems not from those who do the appropriating, but from those who have been symbolically dispossessed. Wayuu weaving, nowadays displayed in international storefronts, e-commerce platforms and designer collections, are often presented without the historical, linguistic or social contextualization of the artisans who produce them. In the global narrative the omission of the Wayuu voice, cannot be attributed to a fortuitous oversight, but rather is indicative of a system that gives pre-eminence to aesthetics over appreciation and consumption over respect. From this standpoint, it is imperative to reorient the analysis and focus on the weavers themselves, it is essential to recognize them not only as producers of handicrafts, but also as cultural agents, narrators of memory and defenders of an ancestral practice that is under increasing threat. The objective of this analysis is broader than merely evaluating the aesthetic attributes of a design, it also addresses the legitimacy of an approach to knowledge that has historically been marginalized by colonial and exploitative structures. The recovery of the Wayuu perspective not only responds to an ethical imperative, but it is also fundamental to grasp fully the impact the of cultural appropriation in the fashion industry.

For the Wayuu community, weaving is about more than just making an object; it is also about sustaining a framework in which thought, memory and the collective cosmology of the visible world are inscribed. Rather than being monotonous, weaving is a narrative and spiritual practice in which dreams, lineages and connections are interwoven. Rather than following pre-established patterns, the women weavers weave threads from their dreams, the history of the clan and the principles of their identity. Thus, each piece becomes a symbolic archive loaded with history. However, when the backpack is removed from this system and circulated as a mere accessory, the credit of authorship is lost, as is a whole way of life.

The traditional backpack, which is neither mass-produced nor intended for tourism, functions as a means of cultural transmission, visual identity and spiritual legacy. To be taught to weave is to educate in symbolic language, spiritual discipline and the

collective values of the community. The whole process requires not only practical skills, but also a deep knowledge of the surrounding natural environment, the social roles and the visual codes that structure the Wayuu world. Hence, when a backpack is turned into a “boho” accessory in the fashion industry, not only is an aesthetic element lost, but an entire system of knowledge, reciprocity and belonging is altered.

This deterioration reaches beyond the economic level and is reflected in the disconnection between the weavers and the symbolic and spiritual fabric that gives significance to their creations. The result is not only the circulation of a meaningless product, but also the transformation of an ancestral practice into a replicable artistic style that is available to the commercial sector.

This reasoning is embedded in colonial structures of representation that transform the indigenous subject into a sort of passive decoration: their product is valued, but their thinking is kept invisible. In this sense, the transmission of this knowledge does not focus on passing it on in its original and genuine state, but on reproducing a standardized representation of it, implying a profound shift in meaning, whereby the craft object is detached from its function as a carrier of a particular point view and transformed into a trend with an unclear origin. Thus, cultural appropriation operates not only as an act of formal or informal plagiarism, but also as a disarticulation of the framework that gives significance to what is woven. Consequently, it is not only authorship that vanishes, but also the legitimacy of an entire epistemic universe. (Said, 1978)

This dispossession of meaning can furthermore be addressed through the epistemic injustice approach, formulated by Miranda Fricker (2007). This theory provides an insight into how cultural appropriation involves not only the takeover of cultural elements, but also a specific damage to the capacity of indigenous communities to be recognized as carriers of knowledge. Fricker differentiates between two forms of cognitive exclusion: testimonial injustice and hermeneutic injustice. The first arises when an individual experiences a confidence deficit due to identity prejudice, their testimony is undervalued, ignored or sifted through stereotypes. The second occurs when a group is lacking the socially shared interpretative resources to articulate and communicate their experiences, because the dominant sphere of society does not have the requisite tools to comprehend them in their own terms.

In the specific context of the Wayuu community, testimonial injustice is expressed in the systematic disallowance of the weaver's voices, whose words are perceived as secondary or emotional, in comparison with the western authorized discourse of the market, design or industry. Hermeneutic injustice, for its part, manifests itself in the impossibility of their experiences being interpreted in the prevailing circuits of fashion and consumption. The absence of references to female artists is not merely an absence of explicit mention; it is also an implicit exclusion of their contribution to artistic expression, as well as the interpretative frameworks that underpin the understanding and legitimization of their art as knowledge.

Over time, different women from the Wayuu community have been raising their voices to confront not only cultural appropriation, but also the degradation of their work, which goes beyond the material and involves a loss of the voice and history of the indigenous group. Arelis Pana Epiayu runs the Susu Wayuu Foundation with the main objective of making indigenous peoples visible through handicrafts, photographs and videos. Pana has dedicated part of her work to empowering not only Wayuu women, but also eight other ethnic groups on the coast: Arhuaco, Kankuamo, Embera, Zenú, Mokaná, Koguis, Chimila and Wiwa. Its initial objective is to learn how and from what they make a living in order to empower them to become leaders of their businesses without intermediaries who take advantage of them. (MiredVista, 2022)

The reason for the need to empower the indigenous community to move forward without intermediaries is along the same lines as what has been stated in this same line of research: there is a lack of traceability and a great deal of misinformation in the commercial channels, resulting in buyers, from tourists to designers, acquiring backpacks without distinguishing their origin, between traditional pieces and mere commercial reproductions. The very phenomenon of appropriation indicates that such action is often accompanied by a systematic invisibilization of those who produce the art; they are rarely named, and when they are, they are only generally referred to as "indigenous craftswomen", but their agency or authorship is rarely acknowledged.

This silencing is not only a consequence of the media, but also of a structural nature, and is sustained by institutional neglect that has left Wayuu weavers without the resources to compete on equal terms. The subjects in question lack physical premises, distribution networks, training in the field of entrepreneurship and knowledge of heritage protection procedures. Many weavers do not know how to get involved in public calls for

projects because this information does not reach their communities. There are many obstacles, such as a lack of internet, digital training, language barriers and isolation. In this scenario, women are forced to sell on the streets or rely on occasional commissions. At the same time, Arijuna traders are able to register businesses, take part in fairs and access ways to advertise, and sell backpacks at much better prices, outshining traditional sales. As Yolida Pushaina denounces in the Consonante 2023 reportage "*For the Wayuu the value is beyond money, in each drawing, design and color we put our dream, it represents freedom and our roots"* but sadly in the marketplace this vision is ignored and replaced by a purely transactional logic.

According to Maber Solano, a Wayuu researcher, there is an absence of a particular market for these women, and the limited organizations that do attend fairs do so through individual efforts and with great difficulty. A significant proportion of the population does not have the opportunity to access institutional calls for proposals due to a number of factors, including a lack of awareness, linguistic barriers and restricted access to state-sponsored initiatives within the communities. The Chamber of Commerce and Artesanías de Colombia have identified this gap. However, their response has been both limited and centralized, and a sustained program of support for weavers has not been implemented. (Consonante, 2023)

In this scenario, as anthropologist Manuel Salge Ferro observes, cultural appropriation must be conceptualized as a manifestation of power dynamics. It is imperative to explore the following questions: which entities determine the conceptualization of heritage? Which agents benefit from the commercialization of symbolic goods? Which entities delineate the boundaries between utilization, inspiration and dispossession? The purpose of these queries is not to diminish the gravity of the issue, but rather to substantiate the entitlement of communities to engage in the delineation and preservation of their cultural identity. As Salge (2023) argue, the state is under an obligation to utilize its heritage protection mechanisms to benefit communities, rather than solely to serve the interests of industries that derive economic benefits from heritage assets. In the current context, it is essential to move beyond the discourse of "heritage protection" and propose sustained strategies of symbolic, technological and economic redistribution that restore to the artisans the autonomy over their products and their history. (Consonante, 2023)

Within the context of Wayuu territory, the market displays dynamics that actively displace legitimate voices, thus suggesting a possible influence of external factors on commercial dynamics in the region. In urban centers such as Riohacha, numerous weavers find themselves compelled to sell their creations to intermediaries at amounts that are often disproportionately low, thus losing both direct access to the ultimate purchaser and any authority over the interpretation of their work. This phenomenon is not solely attributable to economic precarity, rather, it emanates from a commercial structure characterized by profound inequality, within which women encounter a lack of their own spaces, business cognizance and comprehension of institutional mechanisms aimed at safeguarding their heritage. As demonstrated in the study by Robles (2020), the phenomenon of "market appropriation" signifies that weavers are constrained in their capacity to ascribe significance to their creations, consequently being consigned to a purely ornamental function within an extractive system that undervalues their cultural agency.

In this paradigm, the Wayuu weaving assumes the status of a cultural artefact, whose authenticity is subject to erosion due to the dissolution of its spiritual foundation, its lineage, and its associated narrative codes. This disconnection, which extends beyond the realm of mere symbolism, has the effect of weakening the material conditions and social recognition experienced by weavers. Furthermore, it serves to consolidate a model of appropriation in which the product endures, while its history becomes consigned to oblivion.

7.1.4. Ethical Inspiration and Cultural Reciprocity

In the global fashion industry, characterized by postcolonial dynamics and asymmetries of power, there is a growing need to explore ethical practices that are founded on principles of respectful inspiration, informed consent, and reciprocal exchanges of symbolic and economic value. These practices must be independent of cultural extractivism, which has been a prevalent but problematic aspect of the industry.

The interface between the designer and cultural iconography is not unidirectional but is instead subject to the influence of power structures that determine the interpretation, transformation, and capitalization of the meanings. In an area such as the fashion industry, where indigenous visual sources are adapted for global consumption, it is imperative to

approach the Wayuu as a case study from a viewpoint that studies the perspective of both individual creativity and its creative logic, but in order to ensure effective implementation, an intercultural governance framework must be achieved.

Within this paradigm, the ethical inspiration inherent in the Wayuu textile field demands an acknowledgement of the patterns, techniques and knowledge as manifestations of collective property and ancestral memory, rather than as commodities subject to market demands. The geometric figures that collectively constitute the main artefact, the backpacks *(kanaas)* are not solely ornamental elements, on the contrary, they are encoded with mythical narratives, social rules of descent and moral teachings. Therefore, when outsiders reproduce such elements away from their context and its community, without the intervention of a cultural mediator, it is considered a form of cultural emptying.

In the context of ethical inspiration, any such initiative must entail mechanisms of beforehand consultation, collective negotiation and validation from within the community. The relationship is not confined to the original object, it must be cultivated between subjects, with explicit rules, informed consent and recognition of the cultural value being reinterpreted.

When applied to the case of Wayuu creations, this approach suggests a deeper understanding that goes beyond the simple aesthetic or functional appearance of the items in question. The objective is to acknowledge the role of the women of La Guajira as custodians of collective memory, cosmology and a technical legacy transmitted through generations. As previously stated, the reproduction of these designs without consideration of their meaning, consultation of the community, and incorporation of it in the process of commercial valuation, constitutes a form of symbolic appropriation.

An ethical inspiration cannot be limited to refraining from plagiarizing or literally reproducing cultural symbols, so it must involve a profound transformation in the form in which access to traditional knowledge is conceptualized. In this regard, it is pertinent to incorporate the concept of “cultural hospitality”, as developed by Fanny Ekaterina Montes (2020) in her discussion of the production and commercialization of *“katoü”,* the backpacks created by the Wayuu people in La Guajira. This concept suggests that the understanding of indigenous knowledge should not be limited to its conception as a repository of indiscriminately accessible information, rather it could be seem as a

symbolic entity, understood as a space whose openness and access are subject to the conditions established by the host community.

From this position, inspiration would not be considered an intrinsic right of the external designer or creator, but rather a possibility that depends on reciprocity, informed consent and fair redistribution of the value generated. In this framework, the creative act manifests itself as a modality of intercultural interaction that requires respect, negotiation and validation on the part of the knowledge holding populations. In contrast to the conception of the designer as an autonomous subject with absolute freedom to reinterpret the indigenous, cultural hospitality places them as a visitor, an individual who enters a symbolic universe guided by foreign norms that they have to accept and respect.

In order to comprehend the logic under discussion more fully, it is beneficial to refer to the anthropology of domination proposed by Ochy Curiel (2010). As cited in Montes (2020. P.41), Curiel (2010) suggest an exercise to *"unveil the forms, ways, strategies, discourses that define certain social groups as "others" and "others" from places of power and domination"*. This theoretical framework enables an analysis of how the dominant *"arijuna"* Colombian society has reduced the Wayuu people's identity to a purely productive function, resulting in the loss of symbolic content in their textile productions. As argued by Montes (2020, p. 41), *"by observing the katoü as part of that material world, we can see economic strategies from the hegemonic society, which aim to define the members of the Wayuu community only as the others, as the "producers of handicrafts"*. In this analysis, the backpack is shown to transcend its merely aesthetic function, thereby becoming an instrument of social analysis that reveals relations of appropriation, power and cultural representation.

Therefore, the reformulation of this relationship from a perspective of cultural hospitality allows for the conception of a more ethical design practice, in which knowledge is shared rather than extracted, and in which indigenous communities are active interlocutors rather than passive providers. In this instance, the concept of respectful inspiration is to be comprehended as a relational, situated and co-constructed process that acknowledges the legitimacy of indigenous epistemic frameworks and that aims to establish horizontal alliances as opposed to extractivist relationships.

7.1.5. Collective Agency and Cultural Preservation

In the context of the fashion industry, there is evidence of a growing tendency towards extractivist models, which have historically dominated. Nevertheless, a process of transformation has been initiated, marked by the implementation of novel practices that aspire to establish more horizontal and respectful relationships with artisan communities. These initiatives, despite being in an early stage of development, demonstrate the viability of establishing novel forms of interaction between design and traditional knowledge. These forms of interaction are centered on mutual recognition, active participation of communities, and equitable redistribution of the value generated.

A case in point is the Paraguaipoa Yarn Bank *"Banco de Hilos",* an initiative led by Wayuu women in the Venezuelan Guajira with support from the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Population Fund (UNFPA). This initiative was conceived as a means of addressing forced displacement, with the overarching objective of re-establishing productive sovereignty. The implementation of weaving activities constituted a crucial element in this strategy. In the domain of intergenerational practices, an alliance has been constituted between local women leaders, including Freyla González and Yuskairis Hernández, which has culminated in the establishment of a network composed of over fifty women. The women in question have undergone training, gained access to formal markets, and revalued their ancestral knowledge as a means of achieving cultural and economic autonomy. (UNHCR, 2025)

The community outreach initiatives are not the sole are of significance of the Yarn Bank, it is also important to emphasize its potential as a model of resistance in the context of the actual structural crisis, in the region of La Guajira in Venezuela, the forced displacement is not only the result of direct threats, but also the consequence of the deterioration of the living conditions, caused by economic collapse, food insecurity and institutional neglect of the country. Therefore, in the recent days remaining in the territory carries a significant risk, making weaving a vital strategy to overcome these challenges. By generating a decent income, organizational autonomy and support networks among women, this initiative enables weavers not only to rebuild their local economy, but also their community ties and collective agency. Consequently, the Yarn Bank project is not just an economic endeavor, it is also a manifestation of indigenous governance from a

community perspective, rooted in ancestral knowledge and solidarity, particularly in the face of state instability.

In Colombia, it is worth noting the work of the Pontificia Universidad Javeriana and the Caminos de Identidad Foundation (FUCAI), which have developed participatory co-design experiences with Wayuu women from the north of La Guajira. These initiatives are distinguished by their shift from conventional extracts-based logics, elevating instead a horizontal dialogue that recognizes weavers not only as technical executors, but also as custodians of highly valuable aesthetic and symbolic knowledge. The workshops enabled the reinterpretation of *"kanaas"*, a term referring to a series of cosmogonical charged geometric patterns, this reinterpretation enabled many craftswomen to reclaim symbols that had been displaced by market pressures and transculturation. Instead of imposing external designs, the co-design process strengthened the weaver's creative capacities, fostered their autonomy to negotiate fair prices and consolidated their role as authors and managers of their textile heritage. (Vargas-Chaves, Piracoca-Chaves & Fuentes-Mancipe, 2024)

A prominent example of the ethical appropriation of traditional knowledge within a community framework in Colombia is the Coarwas Cooperative, which specializes in Wayuu arts and crafts. Based in the municipality of Uribia in La Guajira, the organisation consists of 250 vulnerable Wayuu women from the village of Siapana. Coarwas combines self-management, cultural identity and economic sustainability in its operation of a solidarity economy model. As an alternative to welfare or exploitative schemes, the cooperative has founded a participatory structure that allows artisans to collectively decide on their designs, prices and distribution channels, this way, it ensures that traditional Wayuu weaving is valued both symbolically and economically, thereby it overcomes the dependence that typically characterizes artisan's markets. (Vargas-Chaves et al., 2024)

Coarwas commitment and integrity with the indigenous artisans was recognized at the 2016 Wayuu Festival. This demonstrates that cultural authenticity and economic viability can be reconciled, despite the significant work and structural changes involved. By returning control of production processes, designs, and market share to the weavers, the cooperative challenges the logic of symbolic marginalization that has historically relegated indigenous craftswomen changes to a secondary role. In an environment characterized by structural precariousness, this experience demonstrates that collective

weaving preserves an ancestral practice while providing a tangible response to economic inequality and historical exclusion. (Vargas-Chaves et al., 2024)

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Silvia Tcherassi is another notable figure in the field of Colombian fashion, she is a Colombian designer, who has incorporated Wayuu backpacks into her accessory's collections for more than a decade. Despite the designer having expressed sincere admiration for the Wayuu women's artisanal work and affirming that her creative process is respectful and non-invasive, as facilitated through collaborations with organizations such as BeLive, this initiative appears to be founded in the genuine sense of appreciation and visibility. However, the process and details of how these collaborations were structured, remain unclear, particularly regarding the extent of creative input by Wayuu artisans in the adaptation of their traditional designs. (Notable Hands, 2013).

As Silvia Tcherassi is the figurehead and creative director of her brand, it is only natural that the main emphasis is on the designer herself. While this is not inherently problematic, in fact, it reflects a common model in contemporary fashion branding. in cases involving indigenous cultural expressions, however, it can prompt diverse interpretations and sensitivities depending on individual perspectives.[6]

Figure 4. Silvia Tcherassi Wayuu backpacks intervened with Swarovsky crystals.

Source: Notable Hands.[7]

The reinterpretation of backpacks adorned with Swarovski crystals, featuring modified proportions and haute couture finishes, has successfully placed these products on the international luxury circuit. However, it does raise questions about the instrumentalization of cultural heritage in the pursuit of visibility, while these practices have contributed to the international positioning of Wayuu textiles, it is crucial to establish a transparent structure of collaboration to ensure that aesthetic recognition translates into symbolic or material justice for the communities of origin.

It is clear from these experiences that incorporating cultural references in contemporary design is insufficient in itself. In order to achieve a significant impact, a

[6] This mention is included for analytical purposes only and does not imply judgment. Interpretations may vary depending on perspective and available information.

[7] Information and image retrieved on June 11, 2025, from *Notable Hands*: https://notablehands.wordpress.com/2013/04/04/silvia-tcherassi/

significant and transformative reflection on the power structures that govern the fashion industry, and all other industries is required, for the context of appropriation and reciprocity, the challenge lies in the creation of collaborative models that not only make communities visible but also give them a decisional role.

7.2. The Legal, Political, and Economic Dimensions: Balancing Protection and Dispossession

7.2.1. The Wayuu Normative System and its Legal Recognition: Between Colombia, Venezuela and the International Community

The Wayuu people, who have a bi-national presence in Colombia and Venezuela, have evolved a distinctive normative system that governs their social relations, conflict resolution and the maintenance of collective harmony. This system, referred to the use of a *"pütchipü'üi"*, is predicated on three fundamental grounds: oral tradition, the identification of the matrilineal clans and a reparation approach that proactively supplants punishment with reconciliation. In this particular social domain, the *"pütchipü'üi"*, also known to as the *"palabrero",* assumes a key function as an accredited intermediary between the indigenous clans, orchestrating the process of dispute resolution through verbal dialogue *"pütchikalü",* with the utilization of symbols such as necklaces, and gestures of compensation such as animal offerings. This process occurs within the paradigm of ancestral legitimacy, a framework that not only fosters community cohesion but also ensures the equitable administration of justice.

The significance of this system has been acknowledged by international bodies. In 2010, the United Nations Educational, Social and Cultural Organization (UNESCO) included it on the Representative List of the Intangible Cultural Heritage of Humanity, thereby acknowledging its role as an ancestral conflict resolution mechanism. This mechanism not only fosters peace among the Wayuu community but also represents a form of justice that is deeply embedded in their unique worldview (UNESCO, 2010). The practice of *"pütchipü'üi"* does not recognize state boundaries, as Wayuu clans are located on both sides of the La Guajira peninsula. This implies that this customary legal system is inherently cross-border.

As Nicolás Polo Figueroa (2018) observes, the *"palabrero"* not only serves as a figure of ethical authority, but his role is also indispensable for the functioning of indigenous jurisdiction. Both the Colombian and Venezuelan constitution formally recognize the rights of the indigenous people and its authorities to apply justice withing their communities according to their own customs. This is expressed in Article 246 of the Colombian Constitution and Article 260 of the Venezuelan constitution, which similarly state that: *"The authorities of the indigenous peoples may exercise jurisdictional functions within their territorial sphere, in accordance with their own rules and procedures, provided that these are not contrary to the Constitution and laws of the Republic. The law shall establish the forms of coordination of this special jurisdiction with the national judicial system"*. Nonetheless, in both countries the application of these provisions is highly limited, because its nature its conditional on the state's legal recognition of indigenous authorities, which has resulted in legal loopholes and tensions, particularly in the absence of adequate articulation between the ordinary legal system and the special indigenous legal system. Even though Venezuela recognizes the right to indigenous jurisdiction in its Constitution and secondary legislation, it does not have a figure equivalent to the *"palabrero"* in its normative formulation, which limits the effective recognition of the Wayuu system in this situation.

As previously mentioned in this text, the fundamental agreements for the protection of the rights of indigenous peoples have been ratified by both Colombia and Venezuela. ILO Convention 169 was ratified by Colombia in 1991 and by Venezuela in 2002, this international instrument establishes the right of indigenous peoples to preserve their legal institutions and obliges states to guarantee their respect and consultation. In the domain of international relations, both countries demonstrated their endorsement of the United Nations Declaration on the Rights of Indigenous Peoples (2007), which serves to reinforce the fundamental principles. Specifically, article 11 of the declaration stipulates the right to the protection of cultural practices, while article 19 establishes the obligation to carry out free, prior and informed consultations.

Yet, the international and constitutional recognition of the Wayuu normative system stands in stark contrast to the absence of binational mechanisms to guarantee its practical efficacy. Despite its inclusion in heritage registers, no inter-state conventions have been established that recognize its transboundary nature or binational protocols that facilitate its consistent application in both directions of the border. This legal omission is

indicative of the discrepancy between symbolic representation and the effective guarantee of rights. As explained by the Colombian Ministry of Culture publication, the *"palabrero"* intervenes from its ancestry role: "*Everywhere problems are created, and enemies arise. what caste today has no enemies? even animals have them. doesn't the ant have them too, even if it is small? and the snake, though many are afraid of him, does he not have someone to attack him? do not all birds, though tame, have other beings that persecute them? we humans are no exception, even if we do not eat our adversaries with our teeth. listen to me, I have come from Riohacha, a distant land, to your house, and i have stayed there without being your relative, without being your family, to invite you to peace."* (p. 31, 2011). This fragment, despite its utilization is a poetic metaphor, serves to illuminate the function of the system and implicitly denounces the structural violence that may have an adverse impact on the Wayuu people. In essence, the incorporation of these instruments within the scope of heritage instruments is insufficient in and of itself, it is essential that this incorporation is followed by concrete actions that guarantee the full, articulated and respected exercise of these rights on both sides of the border.

In parallel to constitutional and international recognition, various indigenous organizations have actively advocated for the Wayuu normative system from their own institutionality, without depending on the state. In Colombian territory, organizations such as the "National Indigenous Organization of Colombia" *(Organización Nacional Indígena de Colombia),* ONIC has called the attention of the competent authorities to practices that constitute cultural appropriation, they have also asked for guarantees that applications are effective, particularly with regard to regulatory discrepancies in cross-border contexts. It is also worthy of mention is the work mentioned above of the Coarwas cooperative, that has promoted sustainable, self-managed artisanal production models based on mutuality and economic justice. In the Venezuelan context, the Wataniba Group has been documenting the structural exclusion of indigenous actors in the design of public policies, as well as the lack of coordination between the indigenous justice system and the state system. Additionally, the Wayuu Tayá Foundation, which is involved with communities on both sides of the border, fosters the creation of spaces for economic and cultural enrichment managed by the community itself. These non-governmental entities constitute forms of collective agency that uphold the defense of Wayuu heritage from the territory, challenging the symbolic frameworks, legal lacunae and extractive structures that have made their voices invisible in the global industry.

7.2.2. Venezuela: Limited Regulatory Framework

In the Venezuelan state, there has been formal progress in the recognition of indigenous peoples' rights since the commencement of Hugo Chávez's government. The approval of the 1999 Constitution was a significant turning point in the country's history, as it declared Venezuela to be a multi-ethnic and multicultural republic, the document expressly acknowledges the right of indigenous peoples to preserve their identity, territory, culture, ways of life, normative systems and to have political representation. This normative framework has been complemented by the ratification of ILO Convention 169 in 2002, as well as by the implementation of specific laws, including the Law on Demarcation and Guarantee of the Habitat and Lands of Indigenous Peoples in 2001, which has as objective to *"regulate the formulation, coordination and execution of policies and plans relating to the demarcation of the habitat and lands of indigenous peoples and communities in order to guarantee the right to collective ownership of their lands as enshrined in the Constitution of the Bolivarian Republic of Venezuela."*(Asamblea Nacional de Venezuela, 2001).

It is worthy of note as previously established, that both the Constitution of the Bolivarian Republic of Venezuela and the Constitution of the Republic of Colombia contain similar provisions that recognize special indigenous jurisdiction. However, even though the provisions in question stipulate that the legitimate authorities of indigenous peoples are endowed with the power to administer justice in accordance with their traditions, while such actions do not conflict with the prevailing constitutional order, this normative concordance has not guaranteed effective and coordinated implementation in either countries that conform La Guajira border.

Nevertheless, the studies have exposed a fundamental flaw in the implementation of development programs for the Wayuu people in Venezuela. Despite the legal framework provided to formally acknowledge the right to self-determine justice and the ancestral system, grounded in the figure of the *"pütchipü'üi"* which is recognized internationally by UNESCO, there is a lack of practical legal validation. In the Venezuelan legal system, there is no equivalent figure, nor are there effective mechanisms for the articulation of jurisdictions and the normative system. As has been denounced by other groups, including the Wataniba Group, the absence of a coordination law has resulted in interpretative gaps, unresolved conflicts of jurisdiction and a systematic exclusion of indigenous actors in the institutional design. (Wataniba, 2021)

This situation is further exacerbated by the scarcity of legal mechanisms that are specifically designed to protect traditional knowledge and community cultural expressions. Article 123 of the Venezuelan Constitution states that *"Indigenous peoples have the right to maintain and promote their own economic practices based on reciprocity, solidarity and exchange; their traditional productive activities, their participation in the national economy and to define their priorities (...)"*. For its part, Article 124 *"guarantees and protects the collective intellectual property of indigenous peoples' knowledge, technologies and innovations. All activities related to genetic resources and the knowledge associated with them shall pursue collective benefits. The registration of patents on these resources and ancestral knowledge is prohibited"*. (Constitution of the Bolivarian Republic of Venezuela, 1999). But in practice, there are no particular legal ways to effectively record and protect the Wayuu weaving's collective, ancestral and territorial nature.

In contrast to other nations that have introduced mechanisms such as collective trademarks or denominations of origin, Venezuela does not count with the specific regulatory provisions that therefore, grant recognition and protection to traditional cultural expressions. In the field of cultural and knowledge protection, there has been a lack of implementation of a *"sui generis"* system, internationally recommended for the safeguarding of traditional knowledge. Said system is distinguished by its greater capability to guarantee collective rights of indigenous communities over their creations and knowledge, that is passed down through generations. As a consequence, there is evidence of copyright infringement and possible exploitation of the Wayuu community, due to the illegal commercialization of their products by third parties in national and international markets. This situation is characterized by a lack of consent and economic benefits for the artisans, as well as the absence of legal complaint procedures that would guarantee respect for intellectual property rights and economic equity for the communities of origins. The absence of free, prior and informed consent protocols is a factor that exacerbates the situation of structural lack of protection.

The phenomenon of cultural appropriation in Venezuela, therefore, does not occur by total omission, but by a direct consequence of the fragmented legal framework, which has not been translated into coherent public policies, enforcement mechanisms or judicial guarantees. The jurisprudence of the Constitutional Chamber has been criticized for its failure to consolidate indigenous jurisdiction, with multiple rulings purportedly denying

the legitimacy of indigenous justice systems and maintaining a centralist interpretation that contravenes the idea of indigenous protection.

Furthermore, as Vladimir Aguilar Castro (2021) has researched, the lack of effective demarcation of indigenous territories obstructs the full exercising of their own rights, though, the jurisdiction of the Wayuu people can only be deployed within the framework of a recognized territoriality, as without territory there is no justice. The author emphasizes that the Venezuelan state neglected its constitutional obligation to ensure the delimitation and ownership of indigenous habitats, which not only limits access to legal status, but also eliminates the possibility of the exercise of collective rights, because of this, communities have had to resort to self-demarcation processes as a mechanisms of resistance, although these still lack institutional backing, which reinforces the continuous vulnerability of the people. (Aguilar Castro, 2021).

The Wayuu population is particularly impacted by the political border that intersects their ancestral territory. While in Colombia there have been at least some attempts to establish institutional mechanisms for the protection of cultural heritage (although these have been insufficient), in Venezuela there are no binational or intercultural protocols or treaties that recognize the cross-border nature of their cultural traditions. This has resulted in legal fragmentation, which hinders mutual recognition of authorities, joint protection of knowledge, and coordinated defense against external appropriation. The fashion industry, by operating within global networks, capitalizes on this dislocation, extracting cultural value from an identity that lacks collective defense mechanisms.

Despite the fact that the Chavismo was presented as a political project of inclusion and social justice during this period, the policies towards indigenous peoples were more symbolic than operational. Although indigenous representation was achieved and incorporated into the National Assembly, and dialogue promoting integration was promoted, no effective legal tools were provided to the communities involved, nor was an intercultural system implemented in the areas of justice, education and trade. The discourse of protection was absorbed by an extractivist logic that, in practice, has resulted in the violation of indigenous territories in the name of national interest. Consequently, the ideas that were propagated served merely to position the country as inclusive, rather than being implemented in their entirety.

The crisis in Venezuela, which has been ongoing for the last decade and is characterized by institutional collapse, economic precariousness and forced migration, has had a profoundly deleterious effect on indigenous peoples, particularly the Wayuu people. In regions such as Zulia state, which is adjacent to La Guajira territory, numerous communities are affected by food shortages, a lack of access to drinking water, and the interruption of health services, this has resulted in the deterioration of social networks and the diminution of spaces dedicated to cultural transmission, thereby disrupting the generational continuity of weaving. As a result, a significant number of weavers have been forced to seek employment in border areas or informal settlements within Colombia, where they have encounter discrimination, precarious working conditions and violence.

In this scenario, Wayuu artisans experience a double exclusion, not only are they invisible for the state and its public policies, but also, they suffer from a lack of material and legal conditions that would permit them to sustain their heritage and cultural activity. In sum, the Venezuelan case demonstrates that cultural appropriation is not an isolated phenomenon, but the result of a structural dispossession sustained by a legal void, symbolic extractivism and epistemic violence, this has turned the Wayuu cultural heritage into an object that is easily commodified and devoid of effective protection.

7.2.3. Colombia: Cultural Heritage Without Collective Ownership

The Colombian case is an example of the limitations of state recognition when it does not translate into effective rights. Despite its registration as Intangible Cultural Heritage since 2010, this recognition has not generated effective control over its use, nor has it generated equitable economic benefits for weavers. As evidenced by numerous reports and media coverage, many Wayuu weavers engaged in commercial processes receive minimal compensation, while intermediaries substantially increase their profits, face abusive intermediation and lack formal contracts. This occurrence underscores the inadequacy of institutional recognition when it is not manifested in equitable working conditions. Heritage is defined as a set of goods and rights of a tangible or intangible nature, and while it is recognized, it is not distributed equitably.

The Wayuu weaving, even though, is intangible heritage, the normative approach is dominant, therefore, it continues to prioritize individual authorship, instead of collective creation models of indigenous people, this has been caused because of the

existence legal incompatibility. Said incompatibility leaves the Wayuu's ancestral practices unbacked by the formal system, thus blurring the connection between symbolic protection and the guarantee of effective rights.

While significant advancements in the constitution have been made since 1991, including articles 70 and 72 on the protection of cultural heritage and the ILO Convention 169 has been ratified, a unique system, such as *"no sui generis",* that would guarantee the differential protection of traditional knowledge has yet to be established. This oversight potentially exposes communities to the challenges posed by commercial cultural appropriation. While the 1991 Constitution established key principles for cultural protection, such as equitable access to culture (art. 70), freedom of creation (art. 71) and the safeguarding of heritage (art. 72), its execution has been inadequate in the context of indigenous communities. The articles acknowledge cultural diversity as the foundation of nationality and provide state incentives for cultural expressions, however, there is a lack of specific measures that respond to the particularities of traditional knowledge. (Political Constitution of Colombia, 1991).

As established in Article 72 of the Political Constitution of Colombia, *"archaeological heritage and other cultural assets that make up the national identity belong to the Nation and are inalienable, unseizable and imprescriptible".* Nonetheless, this regulation has not been developed through a regulatory scheme that adequately distinguishes between tangible goods and intangible traditional knowledge, as the complexity of the Wayuu weaving demands. This neglect is particularly problematic, considering that this knowledge is not only cultural expressions, but also constitutes mechanisms of economic subsistence and forms of internal organization. (Political Constitution of Colombia, 1991, art. 70-72).

As José Luis Londoño, delegate superintendent of industrial property, explained, this deprotection mentioned is further exacerbated in the transnational context, since *"the field of industrial property is regulated by territorial rights, which implies that the ownership of an industrial property right in a given territory, as is the case of Colombia, does not automatically extend to another country"* (ACPI). From this perspective, rights conferred at the national level do not necessarily guarantee protection against unauthorized commercialization in international markets or on global digital platforms, as per, legal fragmentation has resulted in the emergence of a grey area that is conducive to the misuse of Wayuu heritage by external actors.

In her research, titled “Application of appellations of origin to the protection of traditional knowledge in Colombia” (2018) Jenny Aguirre Castiblanco underlines the ideas explained above, Colombia’s contemporary approach is not sufficient to meet the current challenges faced by indigenous peoples in the defense of their traditional knowledge. Despite the existence of institutional channels for the declaration of cultural heritage assets, there are no systematic mechanisms in place to ensure collective ownership or mandatory consultation procedures for the commercial use of their expressions. This regulatory misalignment enables brands, designers and platforms to market products inspired by Wayuu backpacks without the requisite authorization, compensation or active participation of the community.

Added to this, there is a structural problem in the conceptualization of heritage itself. According to Article 2 of Decree 2941 of 2009, *“the uses, practices, representations, expressions, knowledge and techniques, together with the instruments, objects, artefacts, cultural and natural spaces that are inherent to them (...) that communities, groups and in some cases, individuals recognize as part of their cultural heritage are part of this heritage”.* Yet, this delineation is conspicuously devoid of any mechanisms that would confer exclusive use rights, legal control, or economic benefits to the communities of origin. In the case of the Wayuu, the absence of legal clarity means that, despite there is some recognition of their practice as heritage, there is not practical legal scheme to ensure that this translates to equal collective rights, such as ownerships, or to prevent abusive uses by thirds parties. (Decree 2941 of 2009, art. 2). In this regard, cultural appropriation must not be considered independently as a symbolic or identity issue but must be understood as a systemic process of dispossession facilitated by fragmented legal structures. In the Colombian context, the acknowledgement of Wayuu weaving as a cultural heritage has been restricted to its public showcase, with no tangible legal provisions yet enacted to benefit the artisans themselves.

8. Conclusion

The cultural appropriation of Wayuu textiles in the global fashion industry can no longer be regarded as an isolated or incidental phenomenon. This conflict is characterized by an inherent dichotomy between two conflicting logics: on the one hand, the mainstream aesthetic, which is distinguished by the curation, adaptation and commercialization of cultural elements for widespread consumption, on the other hand, the demand for cultural justice, which emphasizes recognition, engagement and the redistribution of resources to their respective communities. The present study has demonstrated that the case of the Wayuu textiles, specifically, the backpack not only serves to exemplify the prevailing tension but also serves to further accentuate it by contextualizing it at the nexus of postcolonial dynamics, economic inequalities and persistent legal ambiguities.

Far from being a simple decorative accessory, each art craft woven by Wayuu women, contains an intricate web of memories, cosmologies and territorial connections that through the passing of history has been disregarded by the commercial channels and political institutions, which they are currently distributed. The decontextualization of its significance, defined as its displacement from the spiritual, symbolic and narrative domain to contemporary trends like “boho” or “handmade”, is not the result of a neutral process. Rather, this phenomenon can be interpreted as a form of silencing and symbolic appropriation that has a direct impact on each individual, who have sustained, transmitted and reinterpreted this ancestral practice over successive generations.

Thus, the problem lies not only in the use of a particular pattern or technique, but also in the circumstances in which this behavior originates, becomes established and manifests itself. The analysis raises questions such as: who determines what is considered significant? Who is recognized as the author of a piece of work? Who receives the recognition or economic reward for creating the work? These issues underpin the analysis and inevitably lead to a critique of the structural inequalities perpetuated by the fashion system under the guise of aesthetic diversity. However, it is not fashion itself that is at fault, but rather the system that has been built around this field and many others. Cultural appropriation is not just a question of terminology or aesthetics, it is a core ethical, political and intellectual dispute.

The study has revealed that the research objectives have been approached in a thorough and comprehensive method. Firstly, the concept of cultural appropriation was

explored from an interdisciplinary perspective. This involved identifying its various manifestations within the fashion industry and analyzing the symbolic, material and political implications for indigenous communities, such as the Wayuu. Cultural appropriation is not an isolated act of replication; it is a structured process involving power relations, coloniality, and unequal recognition.

Secondly, a detailed comparison has been made of the regulations in Colombia and Venezuela. Although there are declarative measures in place to protect heritage, these are insufficient in the face of the complexity of the problem. In Colombia, for example, being recognized as Intangible Cultural Heritage does not guarantee effective collective ownership or meaningful participation. In Venezuela, meanwhile, the Law for the Promotion of Arts does not provide the means to prevent cultural exploitation or ensure fair benefits. In both countries, there is a clear discrepancy between legal discourse and daily practice.

The analysis of specific cases of appropriation has revealed that brands, designers and platforms have previously reconfigured and are currently reconfiguring Wayuu textiles without the fair process of consent or recognition of their creators. These practices exemplify a symbolic whitening that disassociates objects from their cultural context, a process that not only constitutes an aesthetic injustice, but also entails an epistemological silencing. In this sense, it is essential to remember that *"the word constitutes one of the most precious and valuable values of the Wayuu culture; in fact, even the most everyday acts of the communities are impregnated with its magic and symbolism"* (Polo Figueroa, 2017, p.51). To silence their narrative is, therefore, to erase a way of knowing and being in the world.

In a similar manner, the perspective of the Wayuu weavers themselves has been incorporated through testimonies, ethnographic studies and cooperative experiences. This approach has encouraged the integration of a community centered perspective, thereby preventing the reproduction of the same extractive gesture that is the subject of criticism.

The research has distinguished between appropriation and "ethical inspiration", and highlights models such as co-design, cultural certifications and reciprocity agreements. The purpose of this classification is to establish new ways in which fashion and indigenous cultures can be connected, with a focus on symbolic recognition, economic redistribution and cultural sovereignty.

Despite some institutional efforts to recognize the cultural value of indigenous artisanal practices, the analysis reveals that the current regulatory framework is heavily influenced by the Western, individualistic and decontextualized perspective. Intellectual property laws, patrimonial records and existing legal provisions are based on models of authorship and ownership that do not align with the collective, verbal and symbolic methods of knowledge production characteristic of the Wayuu ethnic group.

The problem is not unique to technique but is rooted in structural defects. This implies that even when Wayuu textiles are recognized as part of the intangible cultural heritage, there are no real or effective mechanisms to ensure collective ownership or fair distribution of the economic benefits of commercialization. Current legal structures prioritize written documentation and disregard cultural forms that are sustained through oral tradition, communal memory and non-commodified intergenerational transmission.

Cultural appropriation does not always originate from explicit intentions, actually, it often emerges through omission, detachment and the transformation of cultural artefacts into neutral commodities. In this process, the figure of the *"Arijuna",* who is neither malicious nor necessarily aware, acts as a reinterpreter from a distance, leaving the fundamentals intact but causing the meaning to fade.

For this regard, there is not only a legal inadequacy, but also epistemic exclusion (Fricker, 2007). The indigenous knowledge of these communities is frequently interpreted, translated and measured according to foreign standards that are often imposed and do not recognize their epistemological complexity. Such a situation leads to the perpetuation of forms of cultural domination already analyzed in the theoretical framework, where authors such as Young (2008) or González Tostado (2020) show that the legal and commercial system tends to act more as a system of homogenization than as a means of cultural protection. Considering this, it is crucial to create intercultural legal forms that are not limited to interpreting the indigenous into the words of the State, but that fully recognize their distinctiveness.

In order to respond to this challenging social and political reality, it is necessary to move beyond mere criticism and reimagine fashion practices through an ethical and inclusive approach. After all, it is extremely difficult to create international prohibition regulations, especially when national laws are already flawed, therefore, translating them to the transnational level is practically impossible, so it is advisable to continue raising

awareness among the population to actively create models of respectful collaboration while states try to necessarily effectively integrate and protect indigenous rights. Concrete examples of how to build more balanced relationships include intercultural co-design, collective origin certifications, licensing agreements with prior informed consent, and economic partnerships between brands and communities.

These initiatives depart from symbolic capitalism, embracing a dynamic of reciprocity, where they assert that indigenous knowledge is not a free or neutral aesthetic asset, but rather a vibrant manifestation of cosmologies that must be honored in their entirety. Experiences such as the Coarwas Cooperative and the Paraguaipoa Thread Bank prove that when the cultural agency of weavers is recognized, it opens a path towards social and economic sustainability.

It is important to stress that ethical recognition should not be reduced to simple symbolic actions, such as mentions on labels or in advertising campaigns. It implies redistributing power, resources, and visibility. It means admitting that the design process does not begin in a brand's studio, but in the collective memory of a community. Only from this premise can an intercultural fashion industry be built.

This paper also seeks to encourage reflection on the role of various actors in exacerbating or perpetuating the problem, including academic institutions, design schools, fashion platforms and the media. These actors have a vital role in challenging the logic that normalizes appropriation as a tendency. It is crucial to educate people so they can recognize the history and political implications of their behavior and aesthetic choices. Similarly, it is crucial to design with an awareness of the surrounding world.

Nowadays, consumers also have the opportunity to become ethical agents and counteract with political gestures within a system governed by image and velocity. This includes valuing artisanship beyond exoticism, demanding transparency, informing oneself about the true origin of products, and making informed choices. Without a cultural shift in mindset, it is unlikely that the industry will evolve.

The global model of cultural relationships is at jeopardy, not just in the case of the Wayuu. Is fashion another field of symbolic neocolonialism? Or might it be a place where alternative ways of being in the world can be imagined? This thesis is an exploration of the latter.

Demanding cultural justice is not a benevolent gesture, but an act of restitution. It implies returning the word, control, recognition and benefits to those who have been historically excluded from the predominant discourse. The Wayuu textiles and backpacks will continue to be carried around the world, but the challenge is that they do so without ripping up the roots of the history, the language and the dreams that surround them.

Because what they wore was never theirs... until such time as it is decided to return it with dignity.

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Declaración de Uso de Herramientas de IA Generativa en Trabajos Fin de Grado

Por la presente, yo, Maria Emilia Gandara Antunez, estudiante de Relaciones Internacionales y Comunicación Global de la Universidad Pontificia Comillas al presentar mi Trabajo Fin de Grado titulado ***"What They Wore Was Never Theirs: The Wayuu Weaving in a World of Fast Fashion."***, declaro que he utilizado la herramienta de IA Generativa ChatGPT u otras similares de IAG de código sólo en el contexto de las actividades descritas a continuación:

1. **Sintetizador y divulgador de libros complicados**: Para resumir y comprender literatura compleja.

2. **Traductor**: Para traducir textos de un lenguaje a otro.

Afirmo que toda la información y contenido presentados en este trabajo son producto de mi investigación y esfuerzo individual, excepto donde se ha indicado lo contrario y se han dado los créditos correspondientes (he incluido las referencias adecuadas en el TFG y he explicitado para qué se ha usado ChatGPT u otras herramientas similares). Soy consciente de las implicaciones académicas y éticas de presentar un trabajo no original y acepto las consecuencias de cualquier violación a esta declaración.

Fecha: Junio, 2025
Firma: Maria Emilia Gandara Antunez