

**THE SACRED ITINERARY OF THE HUICHOL:
AN EXAMPLE OF THE COMPLEXITY OF THE
LEGAL PROTECTION OF THE SPIRIT OF THE PLACE**

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Abstract. The Huichol Route through Natural Sacred Sites to Huiricuta has been included in the Mexican Tentative List; it is an east-west corridor of 800 kilometers that stretches from the Pacific coast to the Chihuahan Desert. The route is sacred to the Huichol indigenous peoples, and has existed for millennia. It includes natural places (forests, rivers, rocks and landscapes) considered sacred sites. Following an ancient tradition, annually, the Huichol undertake a pilgrimage through the sacred route renewing its cultural and spiritual meaning. This route represents an excellent example how the relation between the immaterial heritage and natural places creates transcendental meanings for the identity and religious life of a community. When we analyze the design of a strategy for the protection of this itinerary, it is evident that the legal treatment of the spirit of the place represents a complex challenge for national cultural heritage legislation.

The Huichol

The Mesoamerican societies that are known today as the Huichol constitute one of the native cultures that have survived with more vitality in the American continent. The main driver of the survival and cultural reproduction of the Huichol is the collective tenacity to

comply with ancestral traditions, as well as factors such as the topography of its territories, its de-centralized political organization and its capacity to adapt to the historical environment, including an active participation in the history of western Mexico.

Approximately 18,000 Huichol live in settlements dispersed in a territory of more than 400,000 square hectares located south of the Sierra Madre Occidental, where the states of Jalisco, Nayarit, Zacatecas and Durango converge. The Huichol or *Huixarica* is a language that has no written expression. The political organization of the Huichol is complex since traditional hierarchies interact and are interwoven with modern forms of organization. In the first half of the 20th century, after the Mexican revolution and the Cristero war, the Mexican federal government recognized the Huichol as three large agrarian communities and various adjacent 'ejidos', which encompass the five Huichol tribes or "governments", among which there are notable differences in dialect, ritual and dress.

The foundation of the social fabric of the Huichol are the ceremonial centres or *tuquipa*. There are more than 15 ceremonial centres in the Sierra Madre Occidental which vary in organization, prestige and importance, therefore creating a differential pattern of political power amongst the surrounding regions. The chairs of the elders or *cahuiteruxi*, the men who know all, and that embody the most ancient political hierarchy, are located in the *tuquipa*. At the ceremonial centres or *tuquipa*, each clan has at least one representative, who, among other duties, must guard the ceremonial gourd (*jicara*) of the clan, which is a small receptacle that symbolically contains the hope of life and such representatives are generally known as *jicareros*.

Agro-ecological ceremonialism is a fundamental component of the religious life of the Huichol. In the Huichol religious life, ritual cycles are associated to activities such as how to ask for rain, to prepare the land, obtain a good harvest or hunt deer. The educational function of ritual cycles is fundamental for the historical future of the Huichol nation, because the ancestral heritage is recreated and transmitted through them, through chants, narratives and sophisticated rituals.

The Sacred Itinerary of the Huichol

The Huichol geography includes places so far distant between them as what is today the distance between Mexico City and the coasts of the

State of Tamaulipas bordering with the United States of America. The most important sites, however, are located within an 800-kilometer corridor extending west-northeast from the Nayarita coast to Huiricuta, north of San Luis Potosi. The eastern route of the Huichol, towards Huiricuta, has special relevance due to its hierarchy in the ritual cycles, the frequency with which it is used and the number of users. The length of the route to Huiricuta is approximately 500 kilometers and runs east-northeast from the Huichol territory. It traverses the “fork” where the States of Jalisco and Zacatecas imbricate, to then cross the latter transversally, going through its capital city. Once in the State of San Luis Potosi, the route goes towards the Sierra de Picachos de Tonalillo, to finally flow into the Natural and Cultural Reserve of Huiricuta. Following please find a map showing the route to Huiricuta:



The term “route to Huiricuta” actually refers to a “braid” of trails, dirt roads, and even asphalt roads that are walked on depending on several factors. It is important to emphasize that the route includes, in addition to ancestral Huichol trails, vestiges from colonial routes and cattle ways. The route to Huiricuta includes various Mexican states and municipalities with varying legal regimes on the ownership and use of land, in addition to the legal regime applicable at the Mexican federal level.

Members of the ceremonial centres have the obligation to make pilgrimages via the route to Huiricuta during winter, after the harvest. However, family groups or individuals also travel the route to Huiricuta year-round. The Huichol consider that the route to Huiricuta is inhabited by deities and spirits of ancestors, the spirits of certain wild species (such as deer or wolf), and natural phenomena such as wind, rain or clouds or fertility of the earth. The Huichol also identify some of such elements as “elder brothers” or “teachers”, the *tamatsi*, who anoint the pilgrims providing wisdom and spiritual guidance, or hardships and punishments.

The deities and spirits inhabit precisely the sacred sites, where, according to the Huichol, they “express their voices”. The sacred sites are located in islets, wetlands, rivers, lagoons, water springs, forests, mountains, caves or rock formations. The “cahuis” are also natural rock formations that are, for the Huichol, tracks left by the *cacauyaris* who are demigods who became petrified and shaped the landscape when they failed to pass the tests of creation in primeval times.

The route to Huiricuta constitutes a perfect example of the “spirit of the place”: a constellation of natural places and phenomena with a profound and ancient spiritual meaning to the Huichol. When the Huichol see the landscape, they see an ancient mosaic of meaning which is nurtured constantly by the social rite of walking the route.

The fundamental purpose of the pilgrimage is to follow the steps of the ancestors to ask for rain and wellbeing. Another critical purpose of the pilgrimages is the educational and formative experience, its function as an itinerant university, where the neophytes learn the things related to the route, the tradition, the meaning of sacred sites and deities and the customs of the Huichol. Each sacred site contains tribal legacy which is remembered with the walking of the route, if accompanied by the proper guidance. Thus, the itinerary becomes the reading of a codex extended on the landscape. For these reason, the preservation of the route is key to the survival of the Huichol.

Another well-known aspect of the pilgrimage is the ritual use of peyote since ancient times. Although the ritual use of peyote is permitted for indigenous peoples by international treaties to which Mexico is a party, the national and local regulation for ritual use and the enforcement thereof presents practical and legal challenges for the protection of an essential element of the pilgrimage by the Huichol of the route to Huiricuta.

In addition to being invaluable natural places to the Huichol, the sacred itineraries and landscapes are located in areas that have unique planetary environmental importance. The corridor traverses the southern portion of three eco-regions of planetary relevance due to their contribution to biodiversity: the Gulf of California, the Sierra Madre Occidental and the Chihuahuan Desert, all of which are prolific in endemisms and refuge of singular flora and fauna. The Chihuahuan Desert is one of the three wealthiest desert areas of the planet.

There are zones with a high degree of conservation along the territories traversed by this corridor through these eco-regions, unique habitats and endemic or relictual species, which in certain cases has deserved its inclusion within some of the different categories of “priority areas for the conservation” both by national organizations (CONABIO, SEMARNAT, CONANP), and international institutions (UNESCO, RAMSAR), such as the inclusion of the route in the national Tentative List for UNESCO’s World Heritage Convention.

The route to Huiricuta and the other sacred Huichol itineraries also form a part of a collection of colonial and ancient pre-hispanic routes of commercial and cultural interchange which need to be studied and which were fundamental for continental integration that occurred in multiple directions along the millennia.

Protection of the Sacred Itineraries of the Huichol

Despite a utilitarian environment, accelerated social changes and degradation, the Huichol ritual time, which seeks a profound identification with the natural phenomena, has managed to survive but the risks are enormous. Therefore, in order to secure its continuity, it is urgent to promote and design a special treatment for all the aspects involved in the safeguarding of the integrity and environment where these cultural itineraries flow. Many things have been done but the planetary significance of the itineraries and the increasing risks demand more vigorous action by all international, government and private participants.

Conservación Humana, A.C. (CHAC) is a Mexican private non-profit organization founded 13 years ago which is dedicated principally to the protection of the cultural landscapes of the Huichol. By means of an agreement with the traditional Huichol authorities, CHAC has developed an initiative to preserve the natural and cultural heritage linked to their routes and sanctuaries that will foster the

sustainable development of the local inhabitants. To achieve this purpose, work has been done transversally with institutions of the three orders of government, international entities and other related groups of the organized civil society during the last thirteen years.

The strategy of the initiative is centred on promoting the application of the conservation and planning of land use tools, articulated with instruments of economic, social and cultural policy. The initiative promotes and is sustained on conceptual resources recently developed by the international community, including entities such as the World Bank, UNESCO, ICOMOS and the European Union.

Among other achievements, CHAC coordinated the formation of the Natural and Cultural Reserve of Huiricuta and promoted legislative changes in the state of San Luis Potosi designed to protect this outstanding cultural and natural legacy. For the first time, a unique legal precedent in Mexico was established both in the laws of culture and in the laws for the environment of such state. Another notable step was the inscription of the route in the Mexican Tentative List of UNESCO's World Heritage Convention. The next step is the finalization of the initiative to include the itineraries in the UNESCO World Heritage List.

As outlined in this document, the particular configuration of the cultural landscapes of the sacred itineraries of the Huichol and the many facets involved, exemplify the complexities raised by the legal protection of this unique cultural and natural asset of planetary importance.

Legal Challenges for the Protection of the Sacred Itineraries of the Huichol

Recently, CHAC and ICOMOS Mexico have begun to collaborate on a proposal of a legal strategy for the protection of the sacred itineraries of the Huichol.

The most important problem in the definition of a legal strategy for the conservation of the sacred itineraries is that "cultural itineraries" are not recognized as a protected category by Mexican legislation. Since more than 10 years ago, ICOMOS Mexico has constantly proposed to the National Institute of Anthropology and History (INAH) the need to review and amend the Federal Law of Archaeological, Artistic and Historic Monuments and Zones (LFMZ)

in order to recognize and protect cultural heritage categories like cultural landscapes and itineraries.

The definition of a legal strategy for the protection of the sacred itineraries of the Huichol would have to encompass tangible and immaterial assets, natural environment, the roles and responsibilities of the various governmental authorities involved and the design and implementation of the necessary legal instruments.

In the case of tangible assets, there are archaeological, historic and traditional constructions in the route. Archaeological monuments are protected by INAH in accordance with the LFMZ. The conservation of non-archaeological built elements would be the responsibility of state authorities by means of state cultural heritage legislation. In all cases, the legislation is limited to the regulation of construction activities in the monuments, control of archaeological research, supervision of activities and the imposition of penalties.

Natural environment represents a fundamental aspect of the protection of the itineraries. Environmental legislation and its planning, legal and technical instruments as well as its broad conceptualization of the joint conservation of natural and cultural values constitutes an advantage as opposed to the limited vision of Mexican cultural legislation which is mostly exclusively directed to the protection of buildings without taking into consideration the natural environment and the cultural intangible reality.

Federal and local environmental laws establish the authority of the corresponding agencies to declare National Protected Areas (ANP), at the federal level or Local Protected Areas (ALP), at the local level. In the case of the sacred itineraries of the Huichol, its declaration as ANP or ALP would be justified because it would achieve the creation, protection and promotion of traditional knowledge and practices, means of communication, the natural environment of monuments and sites as well as other important areas for the identity and culture of indigenous communities. However, as mentioned above, only the State of San Luis Potosi has declared the Natural and Cultural Reserve of Huiricuta as ALP, which is a very important milestone.

In respect of the immaterial heritage that represents the spirit of the place due to the close relationship between the Huichol nation and the natural sites, the LMFZ does not contemplate any protection of immaterial heritage. Some local cultural heritage laws do contain some regulation but is very limited to the protection of inventory, investigation and promotion activities.

Article 2 of the Mexican Federal Constitution establishes that Mexico has a pluricultural conformation based on indigenous groups and recognizes their right to free determination and the preservation of their language, knowledge and all the elements that constitute their own culture and identity. Such constitutional provision has not been implemented by secondary legislation and therefore it remains merely declaratory.

The Mexican Federal Copyright Law establishes that the practices, uses and traditions without an identified author will be protected thereby. However, such law is clearly not sufficient to protect the sacred itineraries of the Huichol which are complex cultural landscapes, as described herein.

As a conclusion, the limited vision of Mexican legislation of cultural heritage and the absence of legal mechanisms for the protection of immaterial heritage represent an important risk for the comprehensive conservation of the cultural and natural places with a relevant significance for a community or social group. In the case of the route to Huiricuta, and Huichol sacred itineraries in general, this situation is especially critical and highlights the complexity of the Mexican legal protection of cultural itineraries.

Cultural heritage is a concept in constant evolution and is constantly incorporating more complex categories. The development of cultural heritage sciences and international instruments recognize the close relationship between built heritage, the natural environment and social life. It is urgent to make the necessary legal amendments to create protection mechanisms for new categories of our cultural heritage. Since cultural heritage represents a more complex social phenomenon and monuments, sites, routes and landscapes are subject to different social and private interests, it will be necessary to protect monuments and sites with a comprehensive approach in order to coordinate such interests to ensure effective protection.

Cultural heritage always has a human sense. Monuments and sites cannot be separated from the attributes granted thereto by society. Any conservation project will be incomplete if the values, symbols and meanings are not included in its design and execution. Cultural heritage and its meanings and values are a social property that has to be identified and protected. The route to Huiricuta, and the sacred itineraries of the Huichol in general, are excellent examples of this. The right of the Huichol to the conservation of their culture will not be achieved if governmental actions are limited to tangible assets. When

managing spiritual, sacred or traditional assets, the opinion of the human culture in question is fundamental. The most powerful instruments for the protection of cultural heritage in the future will be education, planning and effective international and national legal mechanisms.

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