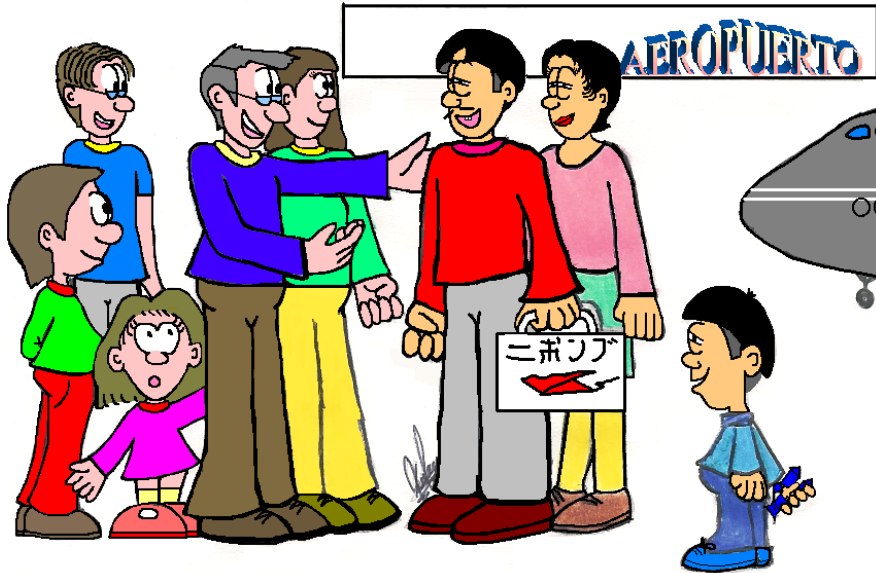


THE CHAPTER IV

INHABITANTS OF THE COLOMBIAN TERRITORY



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I. THE DIALOGUE CONSTITUTIONAL: NATIONAL AND FOREIGNERS

ARMANDO: Father, looks at those foreigners, they seem Chinese or Japanese. Will they come to organize some enterprises of recycling of garbage or to found another enterprise of cars? I don't know your, to my I find vulcanologist that come to study the seismic of the Volcano "Galeras", because in 1992 it caused so much concern in *Pasto* and all Colombia. In any event, to *Nariño* many foreigners or immigrants legal and other illegal, go that is, who is who.

VICTORIA: For the speakers they are announcing our flight to Archipelago of *San Andrés, Providencia and Santa Catalina* that is also Colombian insular territory. We go, we go. There we will see many more foreign of Spain, Italy, France, United States, Englishmen; in short, because Colombia possesses beautiful tourist, historical, industrial places, cities and natural and ecological standby areas. For fortune, we are national Colombian from birth and we won't have difficulties with passports or Visa that are demanded to the foreigners to enter Colombia.

LUCIO: Undoubtedly not, Victoria. We are Colombian with all the civil rights and political, such as the citizenship, to elect and to be elected that they don't have

them the foreigners, unless they are nationalized or naturalize in our country, but they will continue even this way having some restrictions in the exercise of the political rights. I already want to be in the airplane, to observe from the air, the throughout Colombian territory: their valleys, mountains, rivers, lakes and mainly the costs and the blue sea of the Caribbean "*Vallenato*", because the air space, the territory, subsoil, the territorial sea, the contiguous area, the continental platform, the segment of the geostationary orbit, the electromagnetic spectrum and the space where it acts, for fortune they are our territory.

MARÍA PAZ: Children remember that can also be Colombian for adoption, father's children or mother foreigners they are Japanese or Spaniards or of any other country of the world that they request the "*naturalization Card*" or adoption in Colombia. Because father's children or Colombian mother that had born in the Japan, in Spain or in another foreign country and that then they came to live, to study or to work in Colombia, they are Colombian from birth. Therefore, although we see many foreigners in Colombia, their children can be adopted or domiciled in *Pasto* or in any city of Colombia; and in and of itself, those non alone Japanese can be managers or scientific but parents of a Colombian son's family for adoption or from birth in Colombia, have this way Japanese physical features. In *Pasto*, it labor an Honorary Vice-consul of Spain that gives bill for example, of several Spanish parents that have Colombian children for adoption or Colombian from birth since they are born, they study or they work in our territory.

LIBORIO: Indeed, Maripaz has answered you Armando. Those Japanese are parents of Colombian family of a national one for adoption, because they observe that it wears the T-shirt of the Colombian Selection of Soccer and the dad tells him: *the Colombian*. In any event, the little boy is as if you obtained the Japanese or Spanish nationality in a non distant future, they would have the double nationality and as much to it as you could not be called to enter in war against its respective country of origin, for to be this a transnational political right. I wait dear children that when they acquire the Colombian citizenship to the 18 years and have finished their high school studies and want to study their professional career abroad, don't give up their quality of national Colombian they acquire this way the nationality of a foreign country, because to be Colombian is a privilege and a great fortune not repeated.

II. THE CONSTITUTIONAL LESSON: THE NATIONALITY AND THE CITIZENSHIP

THE NATIONALITY

It is the social condition, politics and juridical that has every person from the same moment of the birth, the adoption or the entitlement to an indigenous border territory, to exercise civil and political rights of national Colombian

I. FROM BIRTH

In two events:

1. **The natural of Colombia.**
The natural of Colombia that with one of two conditions: that the father or the mother should have been natural or national Colombian or that, being the offspring of foreigners (or aliens), either of the parents was domiciled in the Republic at the time from birth.
2. **The born ones abroad.** The children of Colombian father or mother that had been born in a foreign country and then they returned to Colombia to live, to study or to work in Colombian territory or they registered in a consular office of the Republic.

II. FROM ADOPTION

In three events:

1. **Adopted Foreigners or "Naturalized".** The foreigners request and obtain "naturalization Card" of conformity with the Effective Ordinance juridical.
2. **The American South and of the Caribbean** that you domiciled in Colombia and request to be inscribed in to municipality Colombian, prior authorization of the Government and of conformity with the principle of state reciprocity.
- c) **Border indigenous peoples** that share territory with Colombia and apply the principle of state reciprocity.

THE EVENTUALITIES OF THE NATIONALITY:

1. The condition of national Colombian they gets lost for express waiver and it expresses of the national one and will be able to recover it just as it orders it the respective law.
2. The condition of national Colombian he doesn't get lost, for the fact of acquiring another nationality.
3. Any Colombian for birth will be able to be deprived of his nationality.
4. The national ones for adoption are not forced to give up their origin nationality or of adoption, neither to take the weapons against their country of origin, well be national for adoption or foreigners domiciled in Colombia.
5. The Colombian, although it has given up the quality of national that acts against the domestic interests in external war against Colombia, it will be judged and convict as traitor.

III. THE CONSTITUTIONAL GLOSSARY

ABROAD: Adverb relative to the position or movement of the person. For examples: She lives abroad and to go abroad.

ADOPTION (or naturalization): It is administrative or judicial procedure, by means of the one which, a person national or foreign, requests the acquisition of the nationality in the respective country or State.

AIR SPACE (or airspace): It is the atmospheric space above the territory where it exercises sovereignty complete and sole right the State.

CARD OF NATURALIZATION: It is the right that has a foreigner to be considered as natural of another country, previous some administrative or judicial concession procedures.

CONSULATE: It is the office, the position or jurisdiction of the Consul. The Consul is the diplomatic agent of a State in foreign lands. This is may involved of the protection and the defense of those the goods, the business, the culture, the sciences and people and domestic interests of the national ones that it represents in another neighboring country or abroad.

COLOMBIAN SOIL: It is the part of the Colombian territory that embraces the throughout land surface: valley, mountains, *volcanos*, snowy, deserts, rivers, lagoons and forest that are from and toward inside the border terrestrial limits with neighboring States: To the north, with *Venezuela*; To the South, with *Ecuador* and *Peru*; To the East, with *Panama*; and to the West, with *Brazil*.

COLOMBIAN SUBSOIL: It is the part of the Colombian territory that embraces everything that that this under the land surface or layer of working earth. Here we can find mines of all type, caves and all the mineral, liquid or gassy wealth that they find in that. For example, the mine of gold or coal, internal wells of petroleum or gas pipeline natural.

CONTINENTAL PLATFORM (or continental shelf): The continental platform of a riverside State understands the channel and the subsoil of the submarine areas that extend beyond its continental sea and to all the long of the natural continuation of its territory until the external border of the continental margin, or until a distance 200 marine miles.

ECONOMIC EXCLUSIVE AREA (or zone): It is an area located beyond the territorial sea and adjacent to this, subject to a specific juridical régime settled down in this part, in accordance with the one which the rights and the jurisdiction of the riverside state and the rights and freedoms of the other States are effective by the pertinent dispositions of the respective State Convention.

FOREIGN (or alien): It is person natural or person born in a foreign country.

IMMIGRANT: It is a foreign person that enters in legal form to a country different to that of origin or from birth.

JUDICIAL DECISION: It is the Providence, decision or the sentences of a Judge of the Republic.

ORBITS GEOSTATIONARY: It is the Part of the Colombian territory located in the terrestrial ultra space at a distance of 35.871 Kilometers on the equatorial plane.

PRINCIPLE OF RECIPROCITY: It is principle of international right that for which the States of the world should complete and to respect in coherent and reciprocal form the obligations made a pact in the International Treaties.

REHABILITATION OF RIGHTS: The suspended or lost rights of a person can recover for decision judicial and administrative.

SUSPENSION OF RIGHTS: The rights as that of the citizenship can be suspended by time periods that it determines a sentence emitted by a Judge of the Republic.

TERRITORY: It is the object material or terrestrial of a state. It is the limit or space perimeter, or the competition sphere inside which a State exercises power. Likewise it is the geographical element of the State where their inhabitants are located that they obey and they respect to the authorities that order and they oblige to the individuals and both of conformity with an effective ordinance juridical.

TERRITORIAL SEA: It is the part of the Colombian territory that embraces the portion and sea width approved by international treaties ("*That doesn't exceed the 12 marine miles*") and the respective fringe of domestic terrestrial beach. The Colombian territorial sea includes the contiguous area and the wealth marine vegetables, animals and minerals.

IV. THE CONSTITUTIONAL PRECISION: THE INHABITANTS OF THE COLOMBIAN TERRITORY

THE TITLE III

THE INHABITANTS AND THE TERRITORY

The Title III of the Constitution, it contains seven articles (Article 96 at 102) and four (4) chapters: **First:** Of the Nationality; **Second:** Of the Citizenship; **Third:** Of the Foreigners; and, **fourth:** Of the Territory.

THE NATIONALITY

- 1) **Colombian nationality.** Colombian for birth and for adoption: Events and eventualities of the nationality (Article 96)
- 2) **Nationality and External War.** The Colombians for birth (natural), the Colombians for adoption (naturalized) and the foreigners domiciled in Colombia, won't be able to be forced to take the weapons against their country of origin (Article 97)

THE CITIZENSHIP

3) **The Colombian Citizenship**

The citizenship gets lost in fact when it has been given up the nationality, and its exercise you can suspend by virtue of judicial decision in the cases that it determines the law.

Who have been suspended in the exercise of the citizenship, they may request their rehabilitation.

While the law doesn't decide another age, the citizenship it will be exercised starting from the eighteen years.

4) **Exercise of some political rights after being considered citizen.**

Citizen's quality in exercise is previous and indispensable condition to exercise the vote right, to be elected, and to hold public office involving authority or jurisdiction.

THE TERRITORY

5) **The Foreigners.**

The foreigners will enjoy in Colombia of the same civil rights that are granted to the Colombians. Nevertheless, the law may, for public order reasons, to subordinate to special conditions or to deny the exercise of certain civil rights to the foreigners.

Likewise, the foreigners will enjoy, in the territory of the Republic, of the guarantees of title granted to the national ones, except for the limitations that establish the Constitution or the law.

The political laws are reserved to the national ones, but the law may grant to the resident foreigners in Colombia the right to the vote in the elections and popular consultations of municipal character or district.

6) **The Colombian Territory.**

The borders of Colombia are the established ones in the international treaties approved by the Congress, properly ratified for the President of the Republic, and the defined ones for the awards by arbitration in that it is part the Nation.

The borders identified in the form provided by this Constitution, will only be able to modify by virtue of treaties approved by the Congress, properly ratified for the President of the Republic.

They are part of Colombia, besides the continental territory, the Archipelago Department of San Andres, *Providencia*, and Santa Catalina, the Island of *Malpelo* and other islands, islets, keys, headlands, and sand banks that belong to it.

They are also part of Colombia, the subsoil, the territorial sea, the contiguous area, the continental platform, the exclusive economic zone, the air space, the segment of the geostationary orbit, the electromagnetic spectrum and the space where it acts, of conformity with the International Right or with the Colombian laws in the absence of international norms.

7) **Patrimony of the State.** The territory together with the public resources that are part of it, belong to the nation.

V. THE CONSTITUTIONAL READING: THE TERRITORY AS ELEMENT OF THE STATE

THE COLOMBIAN TERRITORY

The territory is compound for the soil or land, subsoil, the continental sea, the contiguous area, the continental platform, the area economic sole right, the air space, the segment of the geostationary orbit, the electromagnetic spectrum and the space where it acts. The Territory constitutes the geographical element of the State, as long as the inhabitants (national or resident foreigners) they constitute the sociological element of the State, and in consequence when we refer to the “*Country*” we are remarking the concept of State from the geographical point of view, and when one speaks of “*Nation*” we refer to the concept of State from the sociological point of view, respectively.

The Territory is the essential part of the State and the element of the National Sovereignty, because this it resides in the people. The territory as three-dimensional geographical portion (Altitude, latitude and depth air and marine), it is defined horizontally by terrestrial limits inside the four cardinal points, *ut supra* fixed and that in the Colombian constitutional history they have been necessary in international Treaties or Agreements and sentence of arbitration. This way:

With **Venezuela**, the defined ones in the sentence of arbitration pronounced by the Government of the King from Spain March 16, 1891; with the **Brazil**, the defined ones in the Treaties of April 24, 1907 and of November 15, 1928; with the **Peru**, the defined ones in the Treaty of March 24, 1922; with the **Ecuador**, the defined ones in the Treaty of Julio 15, 1916; and with **Panama**, the defined ones in the treaty of August 20, 1924.

They are also part of the Colombian territory the group of islands, islets, keys, headlands and sand banks located in the bordering seas, as the island of *Malpelo* and Archipelago *Department of San Andrés, Providencia and Santa Catalina*. This Archipelago was defined with *Nicaragua* by means of the Treaty of March 24, 1928.

VI. THE ACTIVITIES OF THE STUDENT

I. Supplement the following propositions:

1. The nationality is _____

2. The citizenship is _____

3. The Territory is _____

4. The Territory this forming for _____

5. The foreigner is _____

II. Mark with a X, the correct answer that corresponds to the proposition:

1) It is Colombian from birth:

- a) The children of a Colombian father or mother that is born in our territory
- b) The children of a Colombian father or mother that lives abroad
- c) The children of a Colombian father or mother that you residence abroad
- d) The children of a foreigners father or mother that domicile abroad
- e) The children of a foreigners father or mother that are born in foreign territory

2) It is Colombian for adoption:

- a) The children of a foreigners father or mother that are domiciled in Colombia
- b) The children of a foreigners father or mother that visit Colombia
- c) The children of a Colombian father or mother that is born in Colombia
- d) The children of a Colombian father or mother that return of the foreigner
- e) The children of a Colombian father or mother that request and they obtain the Card of Naturalization

3) The natives that share border territory with Colombia are:

- a) Colombian from birth
- b) Colombian for adoption
- c) Naturalized foreigners

- d) Adopted foreigners
- e) Colombian by nature

4) The citizenship gets lost in fact for:

- a) To make a crime
- b) Express waiver and voluntary of their holder
- c) Judicial decision or it sentences of a judge
- d) Administrative decision or decision of the President of the Republic
- e) To acquire a foreign nationality

5) The citizens suspended in the exercise of this condition, can:

- a) To vote
- b) To elect and to be elected
- c) To perform a public position
- d) To become rehabilitated
- e) To acquire the nationality

6) The Foreigners constitutionally enjoy in Colombia of:

- a) The Marvels of the territory
- b) The seas and marine and submarine wealth
- c) The beautiful valleys, mountains, islands and archipelagos
- d) The civil rights that are granted to the Colombians
- e) The political laws granted to the Colombians, unrestricted some.

7) The resident Foreigners in Colombia, yes they can vote in:

- a) In the elections of President and Vice-president of the Republic
- b) In the elections of Congressmen
- c) In the elections of Governors
- d) In the elections of Deputies
- e) In the elections and popular consultations of character municipal or district

8) The limits of Colombia are the established ones in:

- a) The decisions of the judges of the Republic
- b) The Treaties and International Awards by arbitration
- c) The decisions of the President of the Republic
- d) The cultural agreements of Colombia with another State
- e) The economic agreements of Colombia with another State

9) They don't make part of the Colombian Territory:

- a) The islands, islets, keys, headlands, and sand banks and Archipelago of San Andrés, *Providencia* and *Santa Catalina*
- b) The Territory, subsoil, territorial sea and the national air space
- c) The segment of the geostationary orbit of the terrestrial ultra space national
- d) The continental platform and the area economic sole right
- e) The continental Sea that extends until the 200 marine miles

10) They belong to the Nation:

- a) The national inhabitants and foreigners
- b) The public property and the territory
- c) The Colombians from birth
- d) The Colombians for adoption
- e) The naturalized foreigners

VII. THE ACTIVITIES OF THE STUDENT AND THE PROFESSOR**I. In study symposium examine and express their opinions on the following themes:**

1. in our country the foreigners have better social, working opportunities and of study those us the Colombians when we leave to the foreigner. Yes or Not? Why?
2. What do advantages and disadvantages observe when being considered the natives that share border territory as Colombian for adoption?
3. If any Colombian from birth can be deprived of his nationality, still when he acquires another nationality. We ask: The Nationality of right is absolute, inviolable and untouchable?
4. In our country the citizenship is only good to exercise the right to vote in the elections of President of the Republic, or members of the Congress, the Assemblies, and the Councils municipal or to elect the Governors and the Mayors and even for the popular consultations. Certain this is? Why do you reason?
5. The Colombian citizenship is acquired when turning the age 18 and to obtain the document of personal identification (DIP) or citizenship identification card. We ask: Does the 18 year-old age guarantee that the enough psychological maturity has been acquired to exercise civil rights and mainly political? What age do they suggest that a person should have in Colombia to acquire the citizenship?