

PARAGUAY

Indigenous Peoples

Activity: 1974-2020

General notes

- There are 17 different indigenous peoples in Paraguay, most of which live in the sparsely populated Chaco region and along the Brazilian border (MAR). “Indigenous peoples include Guaraní, Ayoreo, Toba-Maskoy, Aché and Sanapan and number some 86,000 or approximately 2 per cent of the total population, according to the 2002 national census” (MRGI).

Movement start and end dates

- The indigenous peoples of Paraguay are located mainly in the Chaco region and make up about two per cent of Paraguay’s population. The various indigenous groups are not per se unified in their demands, but they are mostly too small to record individually. There have also been clear efforts to mount a unified indigenous challenge/movement in the last three decades. Thus, we code a single indigenous movement.
- Indigenous mobilization for land rights first began in the 1970s, when indigenous leaders sought to establish a system of “autogestión”, by which indigenous groups would represent their own interests and enjoy autonomy to implement their own demands (MAR). The first organizations to mobilize in favour of indigenous self-determination and land rights were the *Proyecto Marambú* and the *Asociación de Parcialidades Indígenas* (API), both of which were founded in 1974 – hence the movement’s start date (Melià and Telesca, 1997).
- However, the indigenous rights movement in Paraguay only really took off after the ousting of General Alfredo Stroessner in 1989. According to Minority Rights Group International, the brutal repression experienced by indigenous people under Stroessner enhanced their inter-group activity and political organization. In the early 1990s, two of the most important indigenous organizations, Tierraviva and the Federación por la Autodeterminación de los Pueblos Indígenas (FAPI), were established.
- Paraguay’s 1992 Constitution clearly recognizes and guarantees the protection of indigenous cultural and legal rights, including the right to ancestral lands. This was hailed as a major victory by indigenous organizations, but governments have continuously failed to live up to the constitutional ideal (MAR; Duckworth, 2011). According to Freedom House (2016), although a solid legal framework exists to guarantee their rights, indigenous people do not enjoy control over their land or resources.
- Persistent mobilization by Tierra Viva and FAPI indicate that indigenous peoples in Paraguay continue to engage in their struggle over land rights, and thus the movement is coded as ongoing (Tierraviva, n.d.; FAPI, 2019; Telesur, 2020). [start date: 1974; end date: ongoing]

Dominant claim

- According to Minorities at Risk, the indigenous peoples of Paraguay seek “to establish a system of ‘autogestion’, in which the indigenous groups would represent their own interests and push their own demands”. [1975-2020: autonomy claim]

Independence claims

NA

Irredentist claims

NA

Claimed territory

- We were unable to find a specific definition of the territory to which these claims are tied. We therefore flag this territorial claim as ambiguous and code it based on the group's ethnic settlement area as indicated by the GeoEPR dataset, which offers the best available approximation in this case.

Sovereignty declarations

NA

Separatist armed conflict

- No violence associated with the indigenous movements was found, and we therefore code the entire period as NVIOLSD. [NVIOLSD]

Historical context

- Until the late 18th century, most of Paraguay's indigenous groups remained independent and isolated from the structures of European colonialism. Throughout the 19th century, the growth of agriculture and grazing led to the occupation of swathes of land inhabited by native communities, which brought thousands of indigenous people under forced labour regimes and countless others to be killed or displaced (Prieto, 1994). For much of the 20th century, indigenous communities were "threatened by logging and cattle ranching, by hydroelectric projects, by diseases and by the activities of missionary groups such as the New Tribes Mission" (MRGI).
- The official policy of the Paraguayan government since at least 1909 was the assimilation of indigenous communities into society and their conversion into Christianity (MAR). After the end of the Chaco war in 1935, the indigenous Guaraní language "became a key symbol of Paraguayan nationalism, although such developments neither implied nor led to any official recognition of indigenous rights". Instead, "the government became more committed to developing and settling the Chaco, which was greatly detrimental to the indigenous peoples living there" (MRGI).
- Between 1954 and 1989, Paraguay was ruled by the military dictatorship of Alfredo Stroessner. According to Minority Rights Group International, "During this period the indigenous population was deprived of more land than at any other period in Paraguay's history, and they suffered appalling human rights abuses" (MRGI). This is confirmed by Prieto (1994), who goes further as to claim that indigenous people were not only constantly threatened by displacements, but also almost systematically annihilated by the military regime.

Concessions and restrictions

- In 1981, the Paraguayan legislative introduced the Law of Indigenous Communities (Law 904), which legally recognized the existence of indigenous communities in Paraguay, their right to land

and their jurisdictional autonomy. It also provided for the creation of the Paraguayan Indigenous Institute (INDI) as a government body charged with the implementation of the new legislation. However, the law mandates that INDI has to negotiate, purchase and register land on behalf of the native communities, which integrated indigenous territories to market logics and contrasted with the principle of ancestral ownership of these lands. Moreover, the INDI was unable to fulfill its mandate due to the lack of government support, which meant that implementation of Law 904 was patchy and land titles were seldom given to indigenous people (MAR; U.S. Department of State, 2021). Although MAR suggests that no meaningful steps were taken to implement the law, we found evidence of some instances of land claims being upheld by the government under the framework of Law 904. An example was in 1987, when a group of Maskoy indigenous people submitted a claim to the government for land held by an Argentine company, and were awarded 30,000 hectares (MRGI). In line with Melià and Telesca's (1997) claim that the law represented a significant step in the exercise of indigenous rights in Paraguay, we code an autonomy concession in 1981, but recognize the ambiguity of this code. [1981: autonomy concession]

- In 1989, the Paraguayan congress passed a law prohibiting the development of lands under legal contestation. The law forbade “the development of fact and law in detriment of indigenous settlements during the processing of the administrative and judicial files that give rise to the final titling of the lands” (Melià and Telesca, 1997). The introduction of this law, according to Melià and Telesca, gave indigenous communities an unprecedented opportunity to defend their territories from predation and increased their level of autonomy. [1989: autonomy concession]
- The Constitution of Paraguay was redrafted in 1992. The new charter recognised Paraguay as a “pluricultural and bilingual nation, recognised the state’s duty to protect (and provide legal title to) indigenous communal lands and acknowledged the validity of customary law” (MRGI). Even though the introduction of such provisions was hailed as a major victory by indigenous organizations, it appears to have been a largely rhetorical move and has not translated into practice. According to Freedom House (2016), Minorities at Risk and Minority Rights Group International, indigenous people in Paraguay do not enjoy effective control over their resources and land, and the government has consistently displayed an absence of political will to implement the constitutional ideals of indigenous autonomy. We do not code an autonomy concession.
- In 2014, following a 23-year struggle, the Paraguayan government returned 14,000 hectares of land to the Sawhoyamaza indigenous group through legislative action. This was the first time that the government enacted a law expropriating land from non-indigenous owners in favour of indigenous people who claimed ancestral rights to it (Smink, 2014). [2014: autonomy concession]
- In 2019, the government of Mario Abdo approved a decree requiring consultation with and the consent of indigenous peoples with regards to development projects in indigenous territories (IWGIA, 2020). [2019: autonomy concession]
- While we code several concessions, it should be noted that protection of indigenous rights remains problematic. According to IWGIA (2020): “the Abdo government and the Allen administration – as well as the current administration of Édgar Olmedo – have all been party to a gradual process of reducing and fragmenting the state’s indigenist policies, particularly in terms of the issue of territorial recovery, moving it towards a privatised model, punitive and minimal in relation to Indigenous Peoples and communities.”. While this quote does suggest one or more potential restrictions, we were not able to find concrete evidence of specific actions.

Regional autonomy

- Even though Paraguay has strong constitutional provisions for indigenous autonomy, in practice indigenous people do not enjoy effective control over their resources and land and the government’s political will to implement said provisions has historically been highly limited (IWGIA 2020).

De facto independence

NA

Major territorial changes

NA

EPR2SDM

| | |
|---------------------|--|
| <i>Movement</i> | Indigenous Peoples |
| <i>Scenario</i> | 1:1 |
| <i>EPR group(s)</i> | Tupi-Guaraní and other indigenous groups |
| <i>Gwgroupid(s)</i> | 15005000 |

Power access

- We rely on EPR. [1974-1992: discriminated; 1993-2020: powerless]

Group size

- We rely on EPR. [0.02]

Regional concentration

- EPR codes the indigenous groups as regionally concentrated, but EPR applies a lower bar and MAR suggests that the indigenous people are “primarily urban or minority in one region”. [not regionally concentrated]

Kin

- Paraguay’s Indigenous peoples include Guaraní, Ayoreo, Toba-Maskoy, Aché and Sanapan (MRGI). MAR notes that here are Toba also in Argentina and Guaraní (Chiriguano) in Bolivia; however, according to the evidence we collected, their number is below 100,000 (Encyclopedia Britannica, n.d.). We found no other evidence for numerically significant kin. [no kin]

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