

LIFE IN THE GAP  
INDIGENEITY, DISPOSSESSION, AND LAND RIGHTS IN THE PARAGUAYAN CHACO

by

JOEL EDWARD CORREIA

A.A., College of the Redwoods, 2000

B.A., Humboldt State University, 2004

M.A., University of Arizona, 2012

A dissertation submitted to the  
Faculty of the Graduate School of the  
University of Colorado in partial fulfillment  
of the requirement for the degree of

Doctor of Philosophy

Department of Geography

2017

This thesis entitled:  
Life in the Gap: Indigeneity, Dispossession, and land rights in the Paraguayan Chaco  
written by Joel Edward Correia  
has been approved for the Department of Geography

---

Dr. Joe H. Bryan

---

Dr. Emily T. Yeh

Date\_\_\_\_\_

The final copy of this thesis has been examined by the signatories, and we find that both the content and the form meet acceptable presentation standards of scholarly work in the above mentioned discipline.

IRB protocol # 14-0323

Correia, Joel Edward (Ph.D., Geography)

Life in the Gap: Indigenous rights, dispossession, and land rights in Paraguay

Thesis directed by Associate Professor Joe Bryan

This dissertation investigates indigenous land struggles and the politics of implementing Inter-American Court of Human Rights judgments in Paraguay. The Court found the Paraguayan state guilty of numerous human rights violations against the Yakye Axa, Sawhoyamaya, and Xákmok Kásek communities because of persistent inconsistencies in the state's governance of indigenous affairs. The Paraguayan state's systematic denial of land rights, legal protections, and due process in each of the three cases created and maintained the extreme social, economic, political and cultural marginalization of these communities. Each community faces a condition I call "the gap." The gap is rooted in problems created between *de jure* and *de facto* rights. It is the paradox of having rights and recognition while simultaneously living in conditions where those rights are not realized. But the gap is also a spatial and temporal condition that creates liminal legal spaces and situations. I center on what produced the gap, what maintains it, and how people navigate life in the gap. My analysis shows that political rights and legal struggles come with no guarantees and that former sites of dispossession are now engendering new political possibilities for Enxet and Sanapaná indigenous peoples. I draw from sixteen months of ethnographic field research I conducted in Paraguay between 2013 and 2016 to argue that laws designed to ensure rights often create spaces and situations that negate rights, producing contradictory outcomes manifest as dispossession and political possibility. I advance the notion of liminal legal geographies to investigate the problems and possibilities created by the gap. The dissertation draws from critical social theory to bridge approaches in political ecology with legal geography to advance debates about indigeneity, dispossession, and land rights. I untangle histories of colonial and capitalist enterprises in the bajo Chaco of Paraguay to understand indigenous subject formation vis-à-vis a host of sovereign actors: Anglican missionaries, cattle ranchers, Paraguayan state, and the Court. The dissertation is the first critical ethnography of indigenous efforts to use the Inter-American System as a tool to regain land rights in Paraguay, making timely and significant contributions to indigenous studies, political ecology, and legal geography.

## DEDICATION

For Karen, Mom and Dad, Dustin, Bridget, Noah and Claire, and Grandpa Justin.  
Thank you for your unwavering love, support, and belief in me.  
I could have never done this without you.



## ACKNOWLEDGMENTS

I have accrued many debts over the course of this research and would not have completed this project without the time, aid, friendship, intellectual collaborations, and support of many people. It is impossible to adequately express my gratitude for all who have contributed to this endeavor, but I will make my best efforts to do so and apologize in advance for any oversights.

Foremost, this research would not have been possible without the support of many people in Paraguay. Thanks to the Yakyé Axa, Sawhoyamaxa, Xákmok Kásek, and Kelyenmagategma communities for welcoming me and trusting me. Many of you shared your time, energy, thoughts, and feelings. To Clemente and Nelsi; Mario, Desiderio, and Cristian; Milciades, Ignacia, Eulalio, Luciano, Tomás, Felix, Charlie, Maxi, Gerardo, Eljio, Serafin and Ramona, Bascilio and Mirta, Leondardo, Nancy, Anibal, Anivel, Celso, Eriberto, Mariana, Gladys, Amancio, Belén, Carlos, Cabara, Kyja, Ramón, Felipe, and all of your families thank you for inviting me to your homes, for sharing *tereré*, and for your companionship. I hope to keep collaborating with you as you keep fighting for rights and will not forget what we have shared. *Topehasa porã mbaite; tapeime mbar'ete; topeguereko suerte ha jajohechajeyta! Tase! Tasik!*

Tierraviva helped establish my connections with each community, introduced me to key actors in the government, shared hours of conversations explaining complex legal processes, took me on trips to the Chaco from time to time, and gave me an office to work at while in Asunción. Thank you for trusting me and for sharing your time and energy to help with this project. To Oscar Ayala, Julia Cabello, José Paniagua, Ireneo Telléz, Santiago Bobadilla, Ricardo, and Freddy, thank you! Thanks also for your time and dedication to fighting for social justice. Each of you helped me understand the issues that this study confronts. *Añua mbar'ete!*

There are many other people in Paraguay I would like to recognize. Rodrigo Villagra-Carrón has been a friend and colleague with whom I have learned much about the indigenous rights in Paraguay and the Inter-American System. Marco Castillo, Alejandra Estigarribia, Carolina Castillo and Tomas, you have been such good friends and I am grateful to know you. To Noni, thank you for being a great mom, good friend, and for taking care of me when I had dengue. There are many others whom I would like to thank but doing so would require many more pages... Please know that I am grateful for your support and time. *Aguyje pe'eme!*

My committee and professors have left an indelible mark on this project and my intellectual growth. It was an honor to work with you. Joe Bryan has been a great advisor. Thank you for your time, patience, encouragement, and critiques. It has been a true pleasure to get to know and work with you. To Emily Yeh and Tim Oakes, your influence on my thinking has been fundamental. I appreciate all that I have learned in your stead and look forward to more conversations and continued debates in the future. Gregg Hetherington participated in my comprehensive exams and final defense of this project. Mario Blaser participated in my dissertation defense and Marcela Vásquez-León participated in my comprehensive exams. Thank

you for your time and for the provocations each of you raised. The contributions, critiques, comments, and encouragement of each of my committee members pushed me to think through this project in new ways and has richly informed the study. I appreciate your collegiality and timely, provocative contributions. Finally, thank you for setting an impossibly high bar and for pushing me to reach it. I hope find this work and where it goes in the future stimulating.

The University of Colorado Boulder Department of Geography is home to an amazing group of scholars, colleagues, and friends. I am humbled to have studied and grown intellectually alongside so many great people. Thanks for your friendship, critical feedback, and comradery over the years! Many of you commented on different drafts, proposals, chapters, and parts of this work and I sincerely appreciate the time and efforts you invested. Thanks especially to: Galen Murton, Eric Lovell, Kaitlin Fertaly, and Yang Yang—the best cohort of doctoral students I could have hoped for. Aaron Malone, Caitlin Ryan, Max Counter, Daniela Marini, Meredith DeBoom, Lauren Gifford, Jacquelyn Jampolsky, Ashley Rumble, Sam Smith, Shae Frydenlund have all commented on different parts of this work—thank you!

Gratitude is also due to the Geography Department staff, especially Darla Shatto and Karen Weingarten. Without each of you I would have been lost in bureaucracy, paperwork, and even more headaches. You made life easier and my time in the department much more enjoyable. Thanks for your dedication to CU geography students and to the department. I hope you know how much we care about you! Thank you.

The project was supported by numerous grants and fellowships, without which it would not have been feasible: National Science Foundation Doctoral Dissertation Research Improvement Grant (number 1459366); Department of Education Fulbright-Hays Dissertation Research Abroad Grant; Foreign Language and Area Studies Summer Fellowship from the Duke University Center for Latin American and Caribbean Studies; University of Colorado Boulder Summer Writing Fellowship; Jennifer Dinaburg Memorial Fellowship; Center to Advance Research and Teaching in the Social Sciences; University of Colorado Boulder Latin American Studies Center; and numerous smaller grants from the University of Colorado Boulder.

Last, but hardly not least, I would like to acknowledge my family. Karen, thank you for believing in me, for your support, for your patience, for your encouragement, for your compassion, for your humor, and for your love. I truly could not have done this without you. You are and have been a true friend and companion. Thank you. Mom and Dad, your support and love has been instrumental. Thank you for always being there. Dustin, Bridget, Noah and Claire, thank you for your love and excitement for this project. Grandpa Justin, thanks for inspiring me to travel and explore the world; I wish you could have been there to see this.

There are many others who deserve acknowledgment. Please know that I truly appreciate your help and contributions. While many have helped along the way, I take responsibility for the arguments contained in these pages and any errors I may have inadvertently overlooked.

## CONTENTS

PREFACE: Walking the line .....	1
INTRODUCTION: Life in the gap.....	6
Background .....	18
<i>The Inter-American System</i> .....	19
<i>Three cases, one country</i> .....	21
<i>Indigenous rights in Paraguay</i> .....	25
At the crossroads of political ecology and legal geography .....	29
Neoliberal multiculturalism and the territorial turn .....	33
Inter-American System and Paraguay .....	35
Positionality, research, and methods.....	37
<i>Methods</i> .....	40
Overview.....	45
CHAPTER ONE: Placing the Chaco and (dis)placing the Enxet and Sanapana.....	50
<i>Ranchlands in the bajo Chaco</i> .....	55
Territorializations by privatization, extraction, and salvation .....	57
<i>From resource extraction to soul salvation</i> .....	60
<i>New territorial actors in the Chaco</i> .....	68
<i>New Anglicans, old narratives</i> .....	70
Lived experiences: Enclosure, dispossession, and labor .....	73
Placing the Chaco, (dis)placing the Enxet and Sanapana .....	78
CHAPTER TWO: Becoming indigenous: From labor rights to indigenous rights .....	82
“ <i>Marandú</i> changed everything” .....	86
<i>The right to have (indigenous) rights</i> .....	92
Indigenous rights and the possibility of taking back the land.....	97
<i>Articulating indigeneity by way of a new relationship with the state</i> .....	101
<i>Xákmok Kásek, Mopey Sensap, and the Retiro Primero</i> .....	105
Everything changes but stays the same.....	108
CHAPTER THREE: <i>The state-as-patrón</i> .....	111
The <i>patrón</i> : A strongman, boss, and pattern.....	112
Meeting the state-as-patrón.....	115
The <i>patrón</i> and the <i>provista</i> .....	122
The state effect on the radio.....	135
CHAPTER FOUR: Implementing Inter-American Court Judgments .....	144
Critical legal geographies and multiculturalism .....	146
Restitution as development and the production of liminal legal geographies .....	149
<i>Yakye Axa: “An island surrounded by private property”</i> .....	150
<i>Sawhoyamaxa and the law of expropriation: “Will we be forced to leave?”</i> .....	160

<i>Xákmok Kásek and Kelyenmagategma health posts: “It’s nice...but, just a senseless building”</i> .....	168
State resistance, trauma, and the question of “political will” .....	172
<i>Why does Paraguay resist the Inter-American Court recommendations for restitution as development?</i> .....	174
<i>Theorizing political will in an era of implementation delays</i> .....	175
Restitution as development? .....	179
CHAPTER FIVE: Infrastructures of violence and dispossession.....	182
Infrastructural violence .....	185
Infrastructures of dispossession .....	188
<i>Roads, stock ponds (and fences)</i> .....	188
Racism by any other name.....	197
Dispossession is more than a question of geography.....	200
Ungoverned spaces, ungoverned people? .....	204
CHAPTER SIX: Disrupting the <i>patrón</i> , demanding governance, being indigenous .....	207
Making the invisible visible.....	216
Becoming ungovernable .....	224
<i>Sawhoyamaxa: Land and lumber</i> .....	224
<i>Xákmok Kásek: Reoccupation and Road closures</i> .....	227
Becoming and Being indigenous .....	238
EPILOGUE .....	243
BIBLIOGRAPHY .....	251

## FIGURES

Figure 1. Map depicting location of study sites .....	25
Figure 2. The parcelization of the bajo Chaco .....	60
Figure 3. Distribution of Anglican missions 1900-1930 .....	62
Figure 4. Enxet laborers at Makthlawaiya .....	66
Figure 5. The church at Makthlawaiya .....	67
Figure 6. Cattle ranches enclosing indigenous communities .....	76
Figure 7. Meeting with the President of INDI .....	118
Figure 8. Meeting the Vice President of Paraguay .....	120
Figure 9. "Care": Eaton's amicus brief .....	128
Figure 10. "Care": SEN food delivery .....	130
Figure 11. A view from Yakye Axa .....	152
Figure 12. An island surrounded by private property .....	154
Figure 13. Negotiating with a gatekeeper .....	156
Figure 14. Ranch violence .....	162
Figure 15. Kelyenmagategma health post .....	171
Figure 16. Roadside memorials .....	190
Figure 17. Embodied violence .....	190
Figure 18. Off the road near Xákmok Kásek .....	192
Figure 19. "Doña Florencia" by Diego Schäfer .....	218
Figure 20. "Don Tomás" by Diego Schäfer .....	222
Figure 21. Local police on the left. Riot police on the right .....	233

Figure 22. The road closure at Jerusalén .....	236
Figure 23. Figure 23. Xákmok Kásek staging vigil .....	238
Figure 24. "Now we have Eaton's heart." .....	250

## GLOSSARY

**Asunción.** Capital city of Paraguay.

**Bajo Chaco.** Bajo is a Spanish word for low or lower. “Bajo Chaco” refers to the lower (i.e. southeastern) Paraguayan Chaco.

**Chaqueño.** A colloquial term used to name someone or something from the Chaco. *Chaqueño* is not a Paraguay-specific term but used across the greater Chaco region.

**Concepción.** A large town on the Paraguay River.

**Eaton y Compañía.** A private cattle ranching company that owned land claimed by the Xákmok Kásek.

**Enxet.** An indigenous people and language.

**Estancia Salazar.** A cattle ranch owned and operated by Eaton y Compañía.

**Grupo Liebig.** A ranching and timber products consortium that owns the land claimed by the Sawhoyamaxa community.

**Indigenista.** A term used in Paraguay to connote pro-indigenous organizations, institutions, or people. In other parts of Latin America, the word is often used to refer to state agencies that deal with indigenous affairs.

**Indio.** Literally, indian. The word has a negative connotation in Paraguay.

**Kelyenmagategma.** An Enxet community that achieved a friendly settlement to their land claim via the Inter-American Commission on Human Rights.

**La Herencia.** Anglican church-sponsored settlement project that purchased land for indigenous peoples in the 1970s-1980s.

**Law 5124/14.** The law of expropriation signed by President Cartes in favor of the Sawhoyamaxa land claim.

**Law 904/81.** Passed in the year 1981, this is the bedrock indigenous rights law in Paraguay and is also called the “Indigenous Communities Statute.”

**Lucha.** A Spanish word for “fight” or “struggle.” Claimant community members regularly use the word to describe their efforts to gain land rights.

**Makatero.** Mobile vendors that drive to communities to sell a variety of goods.

**Makxawáya.** The central Anglican Mission station that began operation in 1907.

**Marandú.** An education program started by Paraguayan anthropologist Miguel Chase-Sardi in the 1970s to educate indigenous peoples about rights. *Marandú* means “news” or “information” in Guaraní.

**Matadores.** Spanish term that literally means “killers.” In the context of this study, the word is used to name armed ranch staff that used to police ranch boundaries with orders to shoot trespasser.

**Mopey Sensap.** Enxet phrase for “white butterfly;” the term is also the name of a site claimed by the Xákmok Kásek community.

**Patrón.** Spanish word that means: 1) “boss” or “owner,” 2) pattern.

**Patrones.** Plural for *patrón*. See above.

**Personería jurídica.** Spanish term for “legal entity.”

**Presidente Hayes Department.** This is the name of an administrative region, akin to a U.S. state, that comprises the bajo Chaco in Paraguay. It is named for former U.S. President Hayes.

**Retiro.** Spanish word for a ranch house.

**Retiro Primero.** The ranch house located on the land claimed by the Xákmok Kásek community and also used to refer to the land that the community claims.

**Sanapana.** An indigenous people and language.

**Sawhoyamaxa.** One of the three indigenous communities in Paraguay with a case adjudicated by the Inter-American Court of Human Rights. The Court issued its judgment in 2006.

**Tereré.** A cold beverage made from yerba mate and consumed through a filtered straw.

**Tierraviva.** The NGO that provides legal counsel for the Yakye Axa, Sawhoyamaxa, Xákmok Kásek and Kelyenmagategma communities.

**Trasganado.** Spanish term for a semi-truck that hauls cattle.

**Quebracho Colorado.** A tree species historically used in tannin production.

**Vaka’i.** Literally translates to “little cow,” the word is a colloquial name for canned meat.

**Xákmok Kásek.** One of the three indigenous communities in Paraguay with a case adjudicated by the Inter-American Court of Human Rights. The Court issued its judgment in 2010.

**Yakye Axa.** One of the three indigenous communities in Paraguay with a case adjudicated by the Inter-American Court of Human Rights. The Court issued its judgment in 2005.

**25 de febrero.** The place name for the site that Xákmok Kásek occupied after leaving Estancia Salazar on February 25, 2008.



## ABBREVIATIONS

**CICSI.** Inter-institutional Commission for Compliance with International Judgments, or *Comisión Interinstitucional para el Cumplimiento de las Sentencias Internacionales* in Spanish.

**IACHR.** Inter-American Commission on Human Rights.

**ILO.** International Labor Organization.

**INDI.** Paraguayan Institute for the Indigenous, or *Instituto Paraguayo del Indígena* in Spanish. The Paraguayan state institute responsible for governing and adjudicating most indigenous affairs.

**SEN.** Secretary of National Emergency, or *Secretaría de Emergencia Nacional* in Spanish. The state institute responsible for managing emergency affairs.

## A NOTE ON ITALICIZED WORDS AND TRANSLATIONS

Following the Seventh Edition of the Chicago Turabian Style Guide, I italicize all foreign terms that are not commonly known but used in this dissertation. Translations of foreign terms are provided either in-text or in a footnote. Foreign words that are place-names in Guaraní, Enxet, Sanapana, or Spanish are not italicized to indicate that they are geographic sites.

I conducted all translation and transcription for interviews and texts where the original language was Guaraní or Spanish. I translate to maintain the original meaning of the speech or text, though maintain as strict an interpretation as possible for accuracy.

## PREFACE

### **Walking the line<sup>1</sup>**

We almost lost the boat. Our gear was already in the fifteen-foot aluminum outboard when Juan<sup>†</sup> lost grip of the rope. The Paraguay River, maybe 300 meters wide at that point, has a strong current and will carry away just about anything—our boat was no challenge for the waters. But luckily Juan jumped in and grabbed the rope just before it was too late. We had a good laugh, got in the boat, and set north. We were headed for Puerto Colón, Caraya Vuelta, or Kelyenmagategma,<sup>2</sup> depending on who you ask. The community lies about seventy kilometers upriver from Concepción. The only access is by boat.

Kelyenmagategma is an indigenous Enxet community that petitioned the Inter-American Commission of Human Rights (IACHR) to arbitrate the community's land claim because the Paraguayan state was unable to resolve the case. The IACHR resolved the Kelyenmagategma claim through a friendly settlement with the Paraguayan state, which agreed to purchase land from the Puerto Colón cattle ranch in 2011. However, state officials never conducted an *in-situ*

---

<sup>1</sup> I am indebted to Bryan (2011) for this phrase and the helpful analysis he provides regarding indigeneity, mapping, and land rights in the article by the same name.

<sup>†</sup> Henceforth, all names accompanied with a superscript dagger (†) are pseudonyms to protect identity and/or respect privacy.

<sup>2</sup> Pronounced: *kel-yen-ma-ga-teg-ma*.

land survey to verify and establish the physical location of the property boundaries. New conflicts had arisen between the community and ranchers at Puerto Colón.

Diego<sup>†</sup> is the only surveyor and cartographer that works for the Paraguayan state's Institute for the Indigenous (INDI). Diego is also the only geographer I met in Paraguay and so he invited me to accompany him and help “walk the line” with the community to set the boundaries. By the time we arrived in Kelyenmagategma, it was too late to begin mapping so we set up camp by the old ranch house (*retiro*) where the community leader now lives. We met with a handful of community members who volunteered to lead us to the disputed property lines the next day. Together, we planned our trip over *tereré* and amidst merciless swarms of mosquitos.

Puerto Colón, the current site of Kelyenmagategma, has a long and storied history. It is where the first Anglican missionaries began their efforts to “pacify” the Enxet and colonize the bajo<sup>3</sup> Chaco in service of British financial interests and the Paraguayan state in the late 1800s. The lands owned by the British investors who first purchased and established “Colón” were extensive, covering tens of thousands of hectares. Kelyenmagategma is located on the extreme eastern end of the historic Colón property, a site known as Caraya Vuelta (monkey turn). Caraya Vuelta got its namesake because the Paraguay River makes a ninety-degree bend due west and the site was the fabled home of a large boisterous troop of black howler monkeys, or *caraya*.

The location ensures that much of Kelyenmagategma floods each year: the entire property is in a floodplain, numerous tributaries cross the land, and the Brazilian Pantanal drains south into Paraguay River. The combination of environmental factors coupled with the fact that

---

<sup>3</sup> Bajo (pronounced *bah-ho*) means low or lower in Spanish. I use this terminology throughout the dissertation to explicitly refer to the humid, flood-prone lower Chaco. At other times, I only use the word “Chaco” to refer to the entire region, which comprises over fifty-percent of Paraguayan national territory.

Diego is solely responsible for dealing with indigenous land surveys across the country meant that this was the first time he had been to the community to verify the boundaries. The community members I spoke with were excited to resolve the boundary dispute and finally set the property line, four years after taking legal ownership of the land.

The next morning we headed out on a caravan of burros. Apparently, the floodwaters had not fully receded from some areas and the burros would make the trip easier. While Diego rode atop a nice horse, many of the burros were real asses that made the four-mile trek “interesting.” The trip took hours and by the time we arrived at the disputed property line Diego wanted to eat lunch and rest before starting work. It was already 1:00 PM when we started verifying the location of the southern property line, marking it by blazing trees, cutting a line into the forest, and setting makeshift wooden posts. The work was slow-going, but people were excited, joking, and swinging machetes with fervor. After three hours, we had marked out 250 meters of the property line but our trajectory intersected a significant creek: a tributary to the Paraguay River that meanders along the length of the property line. To the group’s disillusion, Diego declared that crossing the creek was not an option. He only had one pair of boots and did not want to work with wet feet. He was also in charge of the GPS unit used to *officially* guide and record our efforts. After some mild protest, Diego had clearly made up his mind and we went back to camp.

That night, I talked with Mario<sup>†</sup> by one of the fires we built to keep the mosquitos at bay. We talked for a long time, standing on the creek bank amidst the *caranda*’y (palm trees). This area historically served as cattle ranching territory, so all the other vegetation had long been

cleared to make space for *pangola* (i.e. *pasto angola*),<sup>4</sup> a hardy grass used as cattle forage. Mario recalled memories about when the community lived on the ranch at Puerto Colón. He could not remember hearing of a time when Enxet in that area had not lived on the ranch as laborers or the families of laborers. Mario noted that there had also been an Anglican mission on that site long ago. I did not ask a lot of questions that night, but primarily listened while Mario spoke.

Mario mostly wanted to talk about a change in the ownership and administration at Colón and the forced eviction that followed in 2004. He described how the community members were not given much time to evacuate their homes and were not allowed to return to gather their belongings before the ranch staff set fire to their houses. He recalled that the ranchers shot guns in the air and at some of the houses to scare people. Community members scattered, hiding in the forest for fear that the ranchers would turn the guns on them. The event happened one year after state officials accompanied by the ranchers illegally evicted community members from their homes on the ranch. During that event, people hid on the banks of the Paraguay River for days. As a result, an elderly woman died and many children fell ill. These events followed the community's petition for a parcel of land within their ancestral territory, a petition that conflicted with the Colón landholding. Many *patrones*<sup>5</sup> govern their ranches by their own set of rules. The state's presence is largely absent and ranchers have long brought their own order to the bajo Chaco.

The 2004 eviction had a lasting impact on the community. Mario said that few people had been able to replace the material goods burnt in the fires that day because employment is scarce

---

<sup>4</sup> The Latin name is *digitaria eriantha*.

<sup>5</sup> *Patrones* is plural for the Spanish word *patrón*, which means boss or owner.

and fleeing in the area. Although the community has land rights now, they are neighbors with Colón and people still live in fear that the ranchers will act out in violence again. For that reason, few people from Kelyenmagategma venture far into the 8,748 hectares of land the state restituted to the community in 2011. Mario said that they are never quite sure where the community's land ends and Colón's begins: hence their excitement to walk the line with Diego. However, we did not walk the line the next day. Despite the fact the community had waited four years to verify the property boundaries, Diego determined that the creek posed too great an obstacle to overcome. We loaded our burros in silence and returned to the community. Community members would have to wait for the waters to recede and for Diego to have time in his schedule again so they could continue walking the line.

...

## INTRODUCTION

### Life in the gap

*Life in the gap*,<sup>6</sup> is a critical ethnography of three Enxet and Sanapana<sup>7</sup> indigenous communities struggles for land rights in the Paraguayan Chaco. The dissertation centers on the contemporary process, politics, and problems of implementing Inter-American Court of Human Rights<sup>8</sup> judgments to better understand indigeneity, rights, and dispossession as manifest in Paraguay. Throughout the dissertation my analysis is dialectic and examines the tensions between seemingly opposed concepts, events, and histories to focus on the new relationships and political possibilities that result from those tensions. While the Enxet and Sanapana struggles for land rights and inclusion within the Paraguayan state are ongoing, I show that these struggles are rooted in historic processes of dispossession, infrastructural violence, racism, and political patronage. In this way, I build from Moore's (2005, 6) suggestion that "geographies and histories of the present pivot on how past struggles gain traction, shape material and discursive fields of action, and enable emergent conditions of possibility. Power relations influence how possible pasts, presents, and futures become linked" (2005, 6).

---

<sup>6</sup> The idea of *the gap between de jure and de facto rights* draws from numerous conversations and intellectual collaboration with Joe Bryan. Some of his published scholarship and work on Inter-American Court decisions in Nicaragua engages related ideas (see Bryan 2007; 2009). Wainwright and Bryan (2009) and Hale (2011) have also been influential works that shape my thinking on this topic.

<sup>7</sup> See the following pronunciations: Enxet (*en-schet*); Sanapana (*san-ah-pawn-ah*).

<sup>8</sup> Henceforth I use the following shorthand: Inter-American Court, or simply the "Court."



I structured this dissertation to highlight the relationship of historic struggles on present politics and the possible futures that my Enxet and Sanapana interlocutors have been fighting for. My analysis is necessarily longitudinal. Contemporary Enxet and Sanapana struggles for land rights are products of histories, relational processes, and asymmetrical power relations intimately tied to broader territorial struggles. I look to the past—to histories of Anglican missionaries, cattle capitalism, and state-formation in the bajo Chaco—to understand indigenous subject formation and historic relations of power that condition current Enxet and Sanapana political struggles. The work is a geographically grounded in the bajo Chaco region of Paraguay and assesses the Yakye Axa, Sawhoyamaya, and Xákmok Kásek<sup>9</sup> cases. The Kelyenmagategma case in the Preface is related, but not my central focus.

My analysis of the Enxet and Sanapana cases provides a new perspective on indigeneity in Paraguay, an in-depth analysis of the politics of implementing Inter-American Court judgments, and a novel way to understand the limits of the law. The dissertation does three primary things. First, it considers how Enxet and Sanapana indigenous political subjectivity formed and changed over time in relation to shifting sovereignties power relations. Second, the dissertation provides a multifold analysis of dispossession, considering socio-spatial and material forms of dispossession but also the dispossession as a form of psychological trauma. Third, this study investigates the promise and perils of rights, particularly land rights and multiculturalism, to suggest that seemingly straightforward legal and political processes are often much more convoluted and contradictory, producing outcomes that claimants do not expect but leverage as

---

<sup>9</sup> See following pronunciations: Yakye Axa (*yak-ye ahk-sah*), Sawhoyamaya (*saw-hoi-ah-mahk-sa*), Xákmok Kásek (*zak-mok ka-sek*).

new political tools.

I draw from sixteen months of field research I conducted between 2013 and 2017 to show that the promise of indigenous rights has not delivered nearly what claimant communities nor their allies expected. The adoption of indigenous rights law and multicultural policies promised to radically change the social and political status of indigenous peoples in Paraguay. Yet, in practice multicultural reforms have done little to alter historic power asymmetries or challenge deep-seated racism that function to marginalize and maintain the dispossession of many indigenous peoples in Paraguay. While the political subjectivity of the Enxet and Sanapana claimant communities has changed due to their struggles, land rights remain elusive and the material conditions of daily life have changed little. Delayed and haphazard implementation of the Court judgments regularly re-victimize members of the claimant communities, creating new forms of dispossession and trauma.

I use this dissertation to make one central argument: laws designed to ensure rights often create spaces and situations that negate rights, producing contradictory outcomes that drive dispossession but create political possibility. Here, I sketch a brief example based on the Yakye Axa case to ground my assertion but elaborate on this case throughout the dissertation. Law 904/81 entitles indigenous communities to claim land within their ancestral territory and ensures that the Paraguayan state will secure land for a community, granted the claim meet specific requisites. In 1993, the Yakye Axa community used Law 904/81 to petition the Paraguayan state for land from the cattle ranch that had long enclosed portions of the community's territory. The *patrón* resisted the claim, dispossessed the community members from the ranch where they had lived for approximately sixty years, and refused to sell the land to the state for restitution. Yakye Axa maintained a presence in the area by occupying the margin of a highway in front of the

ranch while community members pursued the claim. At the time of writing this dissertation, Yakye Axa is still situated on the side of the highway and continues its struggle for land rights. The situation persists even though the Inter-American Court issued a judgment in 2005 that condemned the Paraguayan state for violating the human rights of community members and recommended the state restitute land to the community. The Paraguayan state purchased a parcel of land for the community in 2012 but has not built a road necessary to access the property, ensuring the human rights violations continue with the community's tenure on the margin of the highway.

The site occupied by the Yakye Axa community embodies classic dynamics of dispossession: removal from the land, denied access to resources, and creation of a disposable/reserve labor force (see Marx 1969). But the Yakye Axa case also shows the political possibility of dispossession and ways that Enxet and Sanapaná are using law, protest, and indigeneity as political tools to challenge the state and assert their self-determination. I suggest that dispossession is more than a question of having or losing possession (see also Butler and Athanasiou 2013), but a process that operates on other registers, producing multiple forms of violence and trauma (see Coulthard 2014). Throughout the dissertation I investigate how the dispossession of land and political rights are intimately related to the dispossession of Enxet and Sanapaná peoples from the Paraguayan nation and in some cases causes claimant community members to question their humanity in light of systemic racism. Dispossession from land clearly contributes to historic and contemporary social, economic, political, and cultural marginalization across the Yakye Axa, Sawhoyamaya, and Xákmok Kásek communities. However, my analysis of the legal and political processes by which Enxet and Sanapaná peoples have struggled to regain land reveals how dispossession is manifest in different ways across each claimant

community and how each community now use their dispossession to drive their political claims.

I engage the concept of dispossession throughout the dissertation by considering two distinct, but related approaches. Following Hart (2006, 7) I attend to the “material ‘facts’ of dispossession,” such as land, political rights, and well-being. I also draw from Butler and Athanasiou’s contention that scholars should consider “dispossession outside the logic of possession” (2013, 7). I recognize that Hart (2006) and Butler and Athanasiou’s (2013) respective engagements with dispossession are distinct from one another. Hart’s call to “denaturalize dispossession” focuses on the very economic logics of possession that Butler and Athanasiou challenge by considering dispossession as a multi-valent process intimately tied to subjectivity, epistemic violence, and political possibility. Yet both projects share a concern for the relationships between dispossession, social justice, and the political. I draw inspiration from Hart (2006) and Butler and Athanasiou (2013) to trace multi-valent forms of dispossession and their political possibility in the Inter-American Court cases. The Court cases and political struggles of the Enxet and Sanapaná center on the economic and the question of repossession, but they also highlight how dispossession operates on the individual and collective subject.

I argue for a conception of dispossession that focuses on the notion of the gap between de jure and de facto rights, between what is licit and illicit, and between the legal and illegal. The law plays a central role in how I analyze and frame dispossession in this project. Indeed, the title of this dissertation, *Life in the gap*, evokes that my analysis of the Enxet and Sanapaná cases centers on life with dispossession and the struggles to usurp dispossessions created by liminal legal geographies. Examining the pattern of relations between the Paraguayan state and indigenous peoples reveals the abundance of liminal situations and spaces that are simultaneously within and outside the law. The iterative relation of law and space creates liminal

legal geographies—sites and situations produced through contradictions in how the law is applied, enforced in haphazard ways, or not applied at all. Liminal legal geographies are the grey areas that complicate life in the gap, also functioning as a form of de facto governance that defies the expectations of indigenous citizens and “norms” of state governance (see also Wainwright and Bryan 2009; Hale 2011). Liminal legal geographies are spaces and situations that are neither wholly legal or illegal, but somewhere between.

Each of the three Inter-American Court cases that I investigated in Paraguay have at one point, or still are, emblematic of this liminal legal state. Chapter Four develops the notion of liminal legal geographies more thoroughly than I do here, but suffice to say I am using the literal meaning of liminal in this discussion. These geographies are part of a transitional process, not a teleological process, but one of change that situates people and place in positions at or on a boundary. The liminal is a site of transition and flux; it is a site of potential. But the liminal is also a place of in-betweenness that is vexing, frustrating, and traumatic because there is no clear path toward resolution or an understanding of what will come from the liminality. I show that the act of claiming land rights is very much a liminal process charged with political possibility and the promise of more just futures for the Enxet and Sanapaná. Yet they are also acts that are not yet resolved, showing the limits of the law to ensure justice and the shortcomings of Paraguayan multicultural policy to protect indigenous lives.

I am not arguing that multiculturalism<sup>10</sup> has failed per se. Instead I suggest that the Paraguayan state’s efforts to adopt and develop a legal framework to support multicultural rights

---

<sup>10</sup> I use the term indigenous rights to the theoretical concept of entitlement to specific legal protections based on indigenous identity.

succeeded in creating contradictory and counterintuitive results. Paraguayan multiculturalism is not a singular state-led governance strategy, but a constellation of policies, laws, and institutions that ostensibly intend to embrace ethnic and cultural difference. In Paraguay, multiculturalism is manifest primarily under the veil of indigenous rights and reforms made at the close of the 1980s and in the early years of the 1990s.<sup>11</sup> Similar to how Ferguson (1994) shows that development interventions rarely achieve their intended goals but reproduce state power in new ways, I show that indigenous rights law and multiculturalism in Paraguay has not delivered on its promise for the Enxet and Sanapana. Nevertheless, the unintended effects of multiculturalism and indigenous rights do important work.

The *promise* of multicultural policies, indigenous rights, and the law is key to understanding how Enxet and Sanapana land claims and political struggles have unfolded since their inception in the late 1980s-early 1990s. What I find particularly interesting and productive to think with is how Enxet and Sanapana engagements with the law to mediate their claims has much to do with a conception of what the law *should* achieve and how the Paraguayan state *should* behave in relation to its indigenous citizens. It is very much a question of expectations based on a normative interpretation of the state and role of law. The dissertation shows that the promise of the law coupled with how the Yakye Axa, Sawhoyamaya, and Xákmok Kásek communities have come to know and use the law builds normative imaginaries. These imaginaries, particularly those of the state, shape the direction of their struggles and notions of political possibility.

Over the course of the research for this project, members of the claimant communities,

---

<sup>11</sup> See Horst (2007), Blaser (2010), and Bessire (2014) for useful discussions of Paraguayan multiculturalism.

their legal counsel, and many other Paraguayans expressed their frustrations with “the state” in ways that inform my analysis of these cases. First, claimant community members would often evoke the law and indigenous rights in ways that suggested the Paraguayan state was an aberration regarding the fact that indigenous rights existed in principle, but the praxis of those rights and what they *should* deliver is elusive. In other words, Enxet and Sanapana interlocutors, collaborators, and participants in this investigation often cited Law 904/81 or Chapter Five of the National Constitution to argue that if the Paraguayan state enforced those legal protections their plight would end. This presupposes that the Paraguayan state *should* govern in specific ways to ensure that indigenous rights in principle, de jure rights, are enacted through practice.

A second related and predominant way of viewing the state vis-à-vis the law and governance also informs my approach to this study. The dissertation grapples with tensions between what Mitchell (1991) called the “state effect” and regularly reiterated notions of a reified state. Suggestions that the problem of human rights violations and their persistence in each claimant community are founded on problems of governance and the law assume a normative notion that “good” governance and enforcement of the law would assuage the ails created by the gap between de jure and de facto rights. People from the claimant communities often expressed the material absence of Paraguayan state interventions and authorities as emblematic of the problems each community faces. This is certainly true to a degree: increased access to educational opportunities, medical services, and secure land rights would undeniably address each community’s claims. But I am skeptical that greater state governance would mitigate systemic issues of racism and violence that challenge each community and indigenous peoples in general in Paraguay.

The regular reiteration of “the state” and reference to it by claimant community members

suggests contradictory conceptions of the Paraguayan state. On the one hand, claimant community members talk about the state as though it were systematic in behavior towards indigenous peoples, always openly oppressing indigenous rights. On the other hand, claimant community members sometimes frame the state as though it is incoherent, a dysfunctional and haphazard collection of institutions and actors that is simply incapable of governing.

My framing of rights, discussion of “the gap,” and critique of the state draws from and works with how Enxet and Sanapana people with whom I worked use these concepts. I am not arguing for a normative or reified notion of “the state” in this study, but instead thinking with the ways that my interlocutors articulate ideas about the state in reference to indigenous rights and their respective struggles. I suggest that these conceptions of the state, law, and rights are inextricably linked to the fact that the Yakyé Axa, Sawhoyamaxa, and Xákmok Kásek communities have only pursued land restitution via legal processes and have worked with a politically progressive legal team--from the non-governmental organization (NGO) Tierraviva—that seeks to ensure indigenous right *and* reform the state. Ensuring the proper exercise of law and compliance with international conventions are some of the organization’s key strategies. And Tierraviva has been involved in the three cases since their inception, working to “strengthen culture and identity... build indigenous resistance to the state...[create] a space for the construction of new scenarios for development and life, [and] as a mechanism to promote interculturality” (Tierraviva 2017).

I do not discuss Tierraviva extensively in this dissertation, but bring it up here to provide context necessary to understand the specificity of the Enxet and Sanapana cases and their engagements with the law and multicultural policy. Enxet and Sanapana peoples have learned with Tierraviva throughout their struggles, giving the cases a specificity that others in Paraguay



may not share due to their formation and evolution.

The effects of Paraguayan multiculturalism reveal that the state does little to “conduct the conduct” of indigenous lives. The limits of multiculturalism and indigenous rights do have significant effects; they expand what Mitchell calls “the state effect” (1991) and counterpose indigenous peoples and “the state” in conflictive relations. In the instances where the state fails to govern or provide for indigenous citizens, those citizens conjure the state by denouncing it through political action, on the radio, and in daily conversation. I show that the state is most present through its absence. Studies critical of neoliberal multiculturalism and the territorial turn in Latin America have shown that multicultural rights often render indigenous peoples and their territories more governable by the state (Offen 2003; Hale 2005a, 2005b, 2011; Wainwright and Bryan 2009; Muehlmann 2009; 2013; Bryan 2012). However, my read of the Yakye Axa, Sawhoyamaxa, and Xákmok Kásek cases suggests otherwise.

The Yakye Axa, Sawhoyamaxa, and Xákmok Kásek cases illustrate that multiculturalism and indigenous rights in Paraguay has produced *ungoverned* spaces of indigeneity.<sup>12</sup> The “failure” of the Paraguayan state to effectively adjudicate and uphold its own indigenous rights laws and multicultural policies creates ungoverned populations and places. My analysis of Enxet and Sanapaná efforts to claim their rights, particularly to land, reveals that rights and recognition come with, as Hall (1996) famously suggested, “no guarantees.” The Preface comprises a vignette that provides an immediate and grounded example of this. The passage reveals the histories of violence, complicated politics, racism, and ambivalence of Paraguayan government actors that have come to define Enxet and Sanapaná struggles for rights.

---

<sup>12</sup> To turn a phrase from Watts (2003).

Throughout the dissertation I show that there is no “after the fight.” Newfound rights bring with them newfound struggles, upsetting the initial expectations of claimants seeking rights (see also Wainwright and Bryan 2009; Hale 2011). Claimant community members knew that seeking recourse through the Inter-American System would be a long and arduous process. However, none anticipated that the Paraguayan state would be so reticent to implement the Court’s judgments. The persistent denial by state actors to comply with the Court reaffirms feelings among claimant community members that the Paraguayan state simply does not care for their well-being and is responsible for their ills. Despite the challenges each community faces, they have never surrendered efforts to close the gap and harness the promise of the law and the rights it affords. I want to make clear that although my dissertation is a critique of the limits of the law and the relationship between legal processes and dispossession, the struggles have not been futile by any means. The Enxet and Sanapana whom I worked with on this research project express a great deal of pride for having successfully petitioned the Inter-American System and gained its recognition of their claims. The judgments have been the catalyst for significant changes in each case. But, implementation has been problematic and so has the Paraguayan state’s response to the Inter-American Court.

Faith in the Inter-American Court judgments gives many community members a sense of hope that they will prevail and that the state will eventually comply. Time and again people from Yakye Axa, Sawhoyamaya, and Xákmok Kásek made this clear to me, but particularly so during one group interview. During that interview, I spoke with eight women from Sawhoyamaya. I found that group interviews, which were more like group conversations, were productive ways to talk about the cases because the histories and contemporary hardships that people in each community have endured are painful. Talking as a group often seemed to provide a more

comfortable space to discuss these issues. During the interview, more than one person cried as we talked. Amidst tears, one of the younger women looked at me and declared, “We have been through so much, suffered for so long, and much is lacking. But now we are here on our land. We have the Court ruling and the law of expropriation.” She then stood up with a defiant smile and a laugh stating “*How about the indigenous?! (Mba’e teko la indigena!!)*.” With that declaration everyone started laughing, fully aware of the challenges that remain but also of the political achievements that the community has made despite it all. Much of my dissertation focuses on the challenges of making these claims and implementing the judgments to better understand the limits of statist approaches to rights and how indigenous peoples in Paraguay use the law as a tool to force the state to govern and ensure their rights. But I am also aware of the significance of these cases and their achievements to each community and their allies.

The adoption of multicultural rights in Paraguay did not alleviate the ills of dispossession it was designed to resolve. Like other studies critical of multiculturalism (see also Povinelli 2002; Hale 2011; Coulthard 2014), I show that multiculturalism and indigenous rights laws have created new forms of dispossession among the claimant communities. A clear pattern and dynamic comes into focus over the progression of my dissertation: multicultural recognition and rights simultaneously changed everything, yet changed little.

Indigenous rights created a field of political possibility that the Enxet and Sanapaná have used to drive their land claims. The process of making land claims, petitioning the Inter-American System, and fighting for implementation of the judgments forever changed the political subjectivity of the claimant communities. The Yakyé Axa, Sawhoyamaya, and Xákmok Kásek communities are all legally recognized as subjects of the Paraguayan state and their claims against the state validated by the Inter-American Court. Yet, the Enxet and Sanapaná cannot

derive the full benefit of the rights they are afforded in Paraguayan law. Because of this many of the challenges the three communities confront have not changed over the course of the struggles against the state.

While Enxet and Sanapana efforts to claim rights created new forms of dispossession, dispossession has created the conditions for a politics of the possible that was previously inconceivable. To turn a phrase from Watts (2003), I suggest that the Yakye Axa, Sawhoyamaxa, and Xákmok Kásek communities employ *ungoverned* spaces of indigeneity as the vehicles for their political claims. In the final chapter I show that Enxet and Sanapana peoples now use dispossession to advance their political advantage in struggles against the state and local cattle ranchers. I suggest that the three claimant communities are employing new political strategies to leverage the ungoverned spaces of indigeneity to ensure the space and rights to be indigenous in relation to the Paraguayan state. Yakye Axa, Sawhoyamaxa, and Xákmok Kásek use carefully calculated moments of ungovernability as a political strategy to force the state to govern.<sup>13</sup>

## Background

---

<sup>13</sup> When I write about governance and governed space here I am specifically referring to legal rights enshrined by the state. This study does not discuss the customary forms of governance that claimant community members use to govern their internal affairs. Instead, I focus on the public struggles that Enxet and Sanapana engage in efforts to make the Paraguayan state provide the bare minimum of their rights: for example, land titling, issuance of identity documents, and provision of basic education and health services.

### *The Inter-American System*

The Inter-American System of Human Rights is part of the Organization of American States (OAS). The OAS relies on the political will of member states to adhere to its conventions and the findings of the IACHR and/or Court.<sup>14</sup> The IACHR and Court comprise the “Inter-American System,” which adjudicates allegations of human rights violations conducted by a state government against citizens of that state. Paraguay is one of twenty<sup>15</sup> OAS member countries that recognize the “contentious jurisdiction of the Court” (IJRC n.d.).

Alleged victims can only petition the Inter-American System after exhausting all domestic legal options. The IACHR attempts to negotiate a friendly settlement between the petitioning party and the state accused of human rights violations. If the IACHR cannot broker a settlement, it has the authority to suggest that the Inter-American Court hear the case. The IACHR is the only entity that can bring a case before the Inter-American Court, a limitation that allows the Inter-American System to maintain a neutral position in relation to its member states.

The process is generally slow, often spanning years between the time a petition is made and the IACHR can broker a friendly settlement or the Court can issue a judgment. Both bodies issue recommendations that guilty states, or those that agree to a friendly settlement, must make to ensure necessary reparations and restitution made to the abuse victims. Though the Inter-American System phrases its reparations as “recommendations,” a state must implement all

---

<sup>14</sup> Law binds member states to respect the OAS Charter and conventions, but there is no mechanism to enforce compliance.

<sup>15</sup> The twenty countries are: Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, and Uruguay.

measures of the judgment to be in compliance. Inter-American Court judgments intend to mitigate human rights violations *and* draw international attention to the human rights abuses to redirect the violating state's future behavior.

Unfortunately, the Inter-American System has limited ability to enforce its judgments. These limitations are worrisome and threaten the long-term efficacy of the Inter-American System to ensure states do not violate human rights of their citizens (see Pasqualucci 2012; Bailliet 2013; Garavito and Kauffman 2015). Both Chapters Four and Five detail these limitations by evaluating the politics of implementing the decisions by the Inter-American Court and IACHR. One of the key limiting factors to the Inter-American System is that its decisions have the “force of law” (Derrida 1992) without being legally binding. The Inter-American Court judgments are extremely significant legal mechanisms and important political tools for victims of human rights abuses, but the judgments are not law. In the words of the Court, they are “recommendations.” The Inter-American System has no mechanism or authority to enforce its decisions other than relying on the political will of violating states to comply. In some cases, influential actors have used the Court's judgments as a mechanism to ensure a state comply, but this is exceedingly rare. Perhaps the most significant example of this happening to date occurred when the World Bank influenced the Nicaraguan state to comply with land demarcation recommended by the Inter-American Court on behalf of the such Mayagna (Sumo) Awas Tingni community (see Wainwright and Bryan 2009).

The lack of any real mechanism to ensure compliance with the judgments represents a serious limitation and legal conundrum: guilty states must atone for their guilt by implementing the judgments by their own volition. Moreover, the Inter-American System walks a fine line between respecting the sovereign authority of the member states that fund it and issuing findings

against those very states in the case they violate the human rights of their citizens. The Court is aware of the status of the Paraguayan cases but does not have the authority to do more than it has done to date: hear the cases, issue judgments, and monitor the implementation process. Despite these limitations, the Inter-American System is a key tool to protect human rights in the Americas.

The Inter-American Court plays an increasingly important role adjudicating human rights cases and indigenous territorial claims across the Americas, particularly in Paraguay (see Anaya 2009; Gilbert 2016; Open Society 2017). To date, the Court has indicted the Paraguayan state seven times for violating the human rights of its citizens with three of these indictments made on indigenous land rights cases. Other Enxet communities—Kelyenmagategma, Lamexay, and Kayleyphapopyet—benefited from friendly settlements brokered by the Inter-American Commission that resulted in land restitution. Beyond the Enxet and Sanapana cases, more indigenous communities in Paraguay are turning to the Inter-American System for arbitration, including issuing a *medida cautelar* (warning to take precautionary measures) on behalf of Ayoreo-Totobiegosode peoples in voluntary isolation. While the Sawhoyamaya, Yakyé Axa, and Xákmok Kásek communities share similar cultural backgrounds, histories of dispossession and negotiations with the state and Court, each community's claim is unique and ongoing. The cases are specific to Paraguay, but the varied dynamics of the claims process and efforts to implement the Court rulings speak to region-wide indigenous struggles for territorial rights and the role of the Inter-American System in that process (see e.g. Wainwright 2008; Wainwright and Bryan 2009; Hale 2011; Medina 2016).

### ***Three cases, one country***

The three Enxet and Sanapana cases that I investigated for this dissertation began as

respective petitions for land rights from the Paraguayan state between 1989-1991.<sup>16</sup> The correspondent state institutions responsible for adjudicating all aspects of the communities' claims delayed doing so to the point of complete inaction. Enxet and Sanapana claimants pursued all available legal processes and procedures to petition the Paraguayan state for land rights. Nevertheless, state officials never adjudicated the claims. The problem was not only one of finding and purchasing land for each community, it also lies in the fact that state officials systemically failed to guarantee due process and timely legal protections for each community (IACHR 2005, 2006, 2010). The Court determined that Paraguayan state inaction to resolve the three cases caused the human rights abuses in each site. With no other possible recourse, each community petitioned the Inter-American System to mediate a resolution.

The Inter-American Court found Paraguay culpable for violations against the Yakye Axa, Sawhoyamaxa, and Xákmok Kásek indigenous communities in 2005, 2006, and 2010, respectively. Consequently, the Court determined the Paraguayan state must institute restitution measures as reparations for the abuses. The Court's central goal was to ensure land restitution for each claimant community. Other reparations measures, such as indemnity payments for lost lives, the establishment and dispersal of community development funds, or public apologies and admission of guilt were subsidiary to land, but important aspects of the respective judgments. The Court attributed the gravest human rights violations to lack of secure land tenure. In the Sawhoyamaxa case, the Court argued that the Paraguayan state's lack of action to adjudicate the community's land claim "barred the Community and its members from title to and possession of

---

<sup>16</sup> The Yakye Axa, Sawhoyamaxa, and Xákmok Kásek communities have worked alongside Paraguayan NGO Tierraviva throughout the process of making and sustaining their land claims. Tierraviva also provides legal counsel and support to the Kelyenmagategma, Lamexay, and Kayleyphapopyet cases mentioned on the previous page in relation to the IACHR friendly settlements.



their lands, and has implied keeping it [Sawhoyamaya] in a state of nutritional, medical and health vulnerability, which constantly threatens their survival and integrity” (IACHR 2005, 2).

I interpret the Court’s judgments in the trio of Paraguay cases as efforts to bridge the gap between de jure and de facto rights. I also suggest that the Court itself operates from the theory that democratic state governments *should* respect the rule of law and democratic institutions. The Court’s expectations of the Paraguayan state and the measures it *should* take to ensure indigenous rights influence the discourse and expectations of claimant community members who have received favorable rulings from the Court. Claimant community members, their legal counsel and the Inter-American System representatives are not naïve in their expectations about the challenges of ensuring states follow their own laws. However, I suggest that the claims process functions on normative notions that democratic, liberal states will exhibit “good” governance by following the law, ensuring rights in practice, and complying with the mandates of the Inter-American System. These expectations and normative views of the state are a key aspect of “the gap” that I discuss throughout the dissertation; the Court’s judgments validate each community’s claim while underscoring specific ways the state violates indigenous rights. However one effect of this process is to influence claimant community members expectations that the state comport itself according to the mandate of the Court and the law.

The three Enxet and Sanapaná cases are extraordinary in Paraguay only because each community was fortunate enough to make it to the Inter-American System for arbitration. But the cases are mundane in the sense that they embody many challenges that indigenous peoples across the country have historically endured and continue to confront. Human rights abuses are common due to the effects of export-oriented agricultural development, widespread corruption and political patronage systems, and extreme inequality in land distribution and ownership (see

UN 2015; Guereña and Rojas-Villagra 2016). Few indigenous communities have access to the necessary legal support and funding to advance and maintain their cases to the same level of attention that the communities affiliated with Tierraviva have received. Securing funding and the legal expertise to accompany years-long legal struggles are common limitations in the strategic litigation of indigenous land claims globally (Open Society 2017).

I focus on the three Inter-American Court cases because their formation, adjudication, and negotiation are emblematic of the limits and unintended consequences of Paraguayan indigenous rights and multiculturalism. The cases ground the issues of dispossession, structural violence, and what I call “the gap” between de jure and de facto indigenous rights. Each claimant community is situated within the same geographic area in Paraguay—the Presidente Hayes Department<sup>17</sup> (see Figure 1)—yet collectively shed light on common rights violations reported by indigenous peoples across the country (CODEHUPY 2013; UN 2015).

---

<sup>17</sup> An administrative department (akin to a U.S. state) named in honor of former U.S. President Rutherford B. Hayes. Following the Triple Alliance War (1864-1870), Hayes negotiated the present-day border limit between Paraguay and Argentina defined by the Pilcomayo River.



Figure 1. Map of the Paraguayan Chaco and the primary study sites.

### *Indigenous rights in Paraguay*

The Inter-American Court cases underscore the limits of multiculturalism in Paraguay by

highlighting widespread problems hidden in plain sight. Paraguay's 117,150 indigenous citizens are arguably the most marginalized social group, experiencing the highest rates of extreme poverty, infant mortality, and official unemployment of any social group in the country (DEEGC 2012). Nineteen different indigenous peoples from five language families are found in Paraguay today (DEEGC 2012). However, indigenous peoples represent less than two percent of the total population, approximately 112,000 people, and have the least access to formal education, health services, and formal land control in the country (DEEGC 2012; UN 2015). These conditions persist despite nearly thirty years of official policy and interventions on behalf of "ensuring" indigenous rights in Paraguay.

Current United Nations Special Rapporteur for the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, recently argued that the Paraguayan state should consider the problem of indigenous rights an "emergency situation" due to the prevalence of human rights abuses across the country (UN 2015). Chapter Three examines how the "state of emergency" is simultaneously a condition of life for indigenous peoples and a governance strategy used by state officials that stems from traditions of political patronage and the historic role of the *patrón*. The Paraguayan state regularly addresses indigenous affairs through emergency measures such as the provision of food rations, temporary housing materials, and sporadic visits by health officials. The "emergency situation" that Tauli-Corpuz highlighted also shows the tensions between the formal recognition of indigenous rights and repeated dispossession on indigenous peoples in Paraguay today.

Indigenous peoples lie at the center of nationalist imaginaries about what it means to be Paraguayan, yet they occupy the margins of the nation. Populist discourse made by politicians is commonly uttered in one of the country's two official languages—Guaraní. Paraguay is one of

only three countries in the Americas where an indigenous language is recognized as an official language of the state.<sup>18</sup> However, the Guaraní language is a clear marker of class politics as much as a notion of “backwardness”—the image of the rural campesino, “*indio*” (Rubin 1985; see also Hetherington 2010). As one official from the National Forest Service told me in 2007:<sup>19</sup> “it’s great that you speak Guaraní, Joel. But for official business you need to learn how to speak Spanish.” The ambivalent relationship with the Guaraní language—as a source of populist discourse, nationalist pride, and marker of class politics—subtly suggests the marginalized spaces that indigenous peoples occupy within Paraguay. Discourse that frames Paraguayans as those with “*sangre Guaraní*” pulsing through their veins marks the nation’s ambivalent relationship with indigenous peoples. “Nobody can fail to recognize that we are mestizos, Guaraní blood [*sangre Guaraní*] runs in our veins, our soul belongs to the *Guaraniidad*<sup>20</sup>” (de Guaranía 2008, 19, as cited in Hauck 2014, 115). De Guaranía’s words harken to the fact that over ninety-percent of the Spanish-descendant male population was killed during the Triple Alliance War, resulting in a highly mestizo population—a cross of Spanish and Guaraní blood. Having “*sangre Guaraní*” not only recalls the courage of the Paraguayans who persisted despite the relentless efforts of the invading Brazilians, Uruguayans, *and* Argentines, but also the “noble savage” who mixed with the nation but remains invisible.

Indigenous peoples are at the heart of the Paraguayan nation. They are written into its foundational document, the 1992 *Constitución Nacional*, as the subjects of rights who existed

---

<sup>18</sup> Bolivia and Peru are the other countries.

<sup>19</sup> This took place while I was serving as a Peace Corps volunteer in Paraguay, years before the research for this project. I drew this quote from a personal journal I kept at that time.

<sup>20</sup> Guaraní identity and way of being.

before the state existed. Nevertheless, histories and politics of exclusion dispossess indigenous people from participation within the state. Paraguay adopted indigenous rights laws during Latin America's multicultural turn in the 1980s to early 1990s. The government ostensibly adopted the socially progressive and liberal approach to indigenous affairs as a response to the historic dispossession of indigenous peoples, but also to alleviate that dispossession. But these reforms have yet to achieve their goals and instead created situations and spaces that produce indigenous rights violations. The Yakyé Axa, Sawhoyamaya, and Xákmok Kásek communities are clear examples of the Paraguayan state's persistent inability to ensure the protection of indigenous rights. They are also emblematic cases that illustrate the challenges of implementing Inter-American Court judgments. "Winning" favorable decisions from the Court has not yet alleviated the spatial, material, discursive, and legal dispossessions that plagued each community.<sup>21</sup> In many ways, the process has underscored and exacerbated dispossession because the Paraguayan state delays implementing the judgments or haphazardly implements parts of the judgments. While none of the claimant community members expected that the process of taking their cases before the Inter-American System would be quick, they did expect the Paraguayan state to comply with the findings of the Inter-American Court within the three-year period established by the judgments. The implementation delays are more extreme than claimants and their legal counsel expected, effectively exacerbating the dispossession and trauma that claimant community members face as they seek resolution to their longstanding claims.

*Life in the gap* embodies the issues that I have discussed in the preceding pages. "The

---

<sup>21</sup> See also Wainwright and Bryan (2009) for a related argument.

gap” connotes the distance between de jure and de facto rights. The gap flags dispossession from the body politic and the material effects that has on daily life for Enxet and Sanapaná peoples. The notion of the gap is also a commentary on duration of these legal processes and struggles for land rights, indicating a temporal gap between the efforts of claimants and the actions of the Paraguayan state. But gaps can be closed; they have the potential to be bridged. The possibility of closing the gap has driven the Yakyé Axa, Sawhoyamaxa, and Xákmok Kásek communities and their allies to maintain their cases for over a generation. To close the gap, I suggest it is necessary to understand how the gap is manifest, what sustains it, the work that it does, and how people navigate life in the gap.<sup>22</sup> This dissertation contributes to that goal.

### **At the crossroads of political ecology and legal geography**

My work here lies at the nexus of political ecology and legal geography scholarship, simultaneously drawing from and making contributions to indigenous studies literature. Political ecologists have long been concerned with questions of social and environmental justice that arise from conflicts between land-users, environmental change, and the state (Blaikie and Brookfield 1987; Watts 1983; Peluso 1992; Vandergeest and Peluso 1995). Political ecologists have also long engaged a wide range of critical social theory and analytical tools, leading scholars to question its salience as a field (Walker 2005) and others to suggest that its strength lies in its versatility (Robbins 2015). I agree with Robbins (2015) that political ecology provides a critical,

---

<sup>22</sup> This approach draws from my read of Bryan’s (2009; 2012) work on indigeneity and mapping to “think with” these concepts and critically evaluate the “work” that such concepts do: materially, symbolically, and discursively.

flexible toolkit to draw from and investigate questions of social and environmental conflicts.

The influence of post-structural social theory (re)invigorated political ecology and shaped many studies that directly influence my thinking in the present work (see e.g. Peet and Watts 1996; Peluso and Watts 2001; Braun 2002; Kosek 2006; Wainwright 2008). Distinct in their uses and engagements with post-structural theory (i.e. post-colonialism, post-development, etc.), scholars in the second wave of political ecology challenged the structural dualism of earlier works, critically evaluating the relationship of nature/culture, of the social/natural world, of the production, circulation, and effects of knowledge (Peet, Robbins, and Watts 2011; Blaser and Escobar 2016). Engagements with post-structuralism have been productive, advancing important critiques of the work that binary logics and modern ontologies do to create and sustain inequality and conflict (see e.g. Fairhead and Leach 1996; Escobar 1996, 1998; Forsyth 2003).

Some scholars suggest that rethinking the relationship between nature/culture and other binaries resulting from modern ontologies allow analysts to critically evaluate how concepts like “nature” are often perceived as *apolitical* but function in highly political ways. Wainwright and Barnes (2009) make this argument by considering the political and intellectual work that concepts like “nature” do in their common use, recognizing the problems of modernist ontology but also suggesting that such ontologies shape our lives in very material ways. Bryan (2015) makes a related argument about the power of maps and mapping, suggesting that the map itself and social relations that precede it are always political. Re-thinking nature/culture divide and relationship between these concepts focuses attention on how they are mobilized and manifest as practices that often create inequality, conflict, and reproduce modernity.

The most recent wave in political ecology uses conceptual tools and analytical approaches from science studies to advance distinctly relational analyses (see e.g. Escobar 2008;



Bennett 2010; Blaser 2010; Goldman et al. 2011; Ogden 2011; Tsing 2015). These studies focus on questions of materiality, the more-than-human, relationality, and/or ontological plurality to radically challenge conceptions of “politics” and how we think of political ecological analyses. Blaser and Escobar (2016, 166) suggest that a relational approach challenges the modern ontological position of singular, objective reality and suggest reality is an “emergent effect of relations and interdependencies” that cannot be contained by modern binaries. Political ontology analyses advanced debates in political ecology, not only challenging scholars to take “other ontologies seriously” in how we understand political conflicts (Blaser 2014, 52; see also Coombes et al. 2012; Anthias 2016). Blaser and Escobar (2016) suggest that the third wave of political ecology scholarship centers on the power-laden negotiations and conflicts between different actors that vie to create or maintain worlds accordant with their respective ontologies.

Each of the “waves” of political ecology that I flagged above are related, but divergent. I reconcile the divergent trends in political ecology by maintaining a focus on the work concepts such as indigeneity do *and* their relational constitution. I suggest that these concepts cannot be removed from their respective historical, political economic, and ontological contexts. For example, Chapter Two provides an analysis of how Enxet and Sanapana “became indigenous” through a particular set of relations. In subsequent chapters I show that indigeneity is dynamic, manifest and articulated in distinct ways by Enxet and Sanapana as a response to and product of different conjunctures. I maintain a focus on the relations that produce indigeneity, give it political leverage, and how legal struggles and agrarian political ecologies of cattle production influence contemporary Enxet and Sanapana indigeneities. I understand the different approaches

within political ecology scholarship as branches of a much larger tree<sup>23</sup>—connected but divergent, with shared roots in an intellectual tradition that challenges apolitical explanations and focuses on issues of justice.

The law is a tool used as much for the pursuit of justice as it drives socio-environmental injustice. Political ecology's deep engagements with and concern for political economy ensures that the law is almost always present in the analysis. This dissertation focuses on the law and how it shapes the political ecologies where Yakyé Axa, Sawhoyamaya, and Xákmok Kásek are located. The law and the promise of the law is central to the Enxet and Sanapana struggles. Therefore, my analysis bridges the concerns of political ecology with those of legal geography because the nature of the cases that I study warrants a critical evaluation of resource conflict, territoriality, and power relations rooted in legal struggles for land rights.

Legal geography is an established, but growing field of inquiry. Whereas the law is often present in political ecology, it is central to legal geography. Legal geographers explicitly investigate how law and space are mutually constitutive, shaping resource access, subject formation, and socio-environmental inequality (Blomley et al. 2001; Braverman et al. 2014). Delaney's (2010) theorization of the *nomosphere* conceptually illustrates the mutual constitution of society, space, and law. According to Delaney, the nomosphere "holds together the socio-spatial and the socio-legal while foregrounding the dynamic interplay of forms of social meaning and materiality; these are implicated in the historical constitution of socio-relational power and situated embodied experience" (Delaney 2010, 26-27). In short, Delaney argues that the law creates new spaces, both material and discursive, in concert with changing social relations that

---

<sup>23</sup> Robbins (2012, 17) also discusses political ecology as a "tree with deep roots."

shape the law in an iterative, world-building process. His approach highlights the ways that the law is fundamental to imagining what types of worlds we occupy (see also Benson 2012).

Legal geographies are critical to understanding how power operates in everyday experiences and socio-spatial relations, particularly by people engaging the law as a tool for social justice. The relationships between law and space constitute fields of power that illuminate how space is made, contested, and altered by different social actors (Benda-Beckham et al. 2009, 17). Legal geographers challenge “assumptions about space that work to stabilize the validity of seemingly obvious propositions, identities, and the very meaning of the law” (Blomley et al. 2001, xv). I use this dissertation to challenge assumptions about indigenous rights law and the seemingly obvious proposition that winning claims through the courts will lead to justice.

### **Neoliberal multiculturalism and the territorial turn**

Paraguayan multicultural policy began to take shape during the Alfredo Stroessner dictatorship. The government adopted Law 904 in 1981 (henceforth, Law 904/81) as a response to *indigenista*<sup>24</sup> accusations that the state was culpable for genocide against indigenous Aché peoples in the 1960-1970s due to assimilationist policies and the effects of agrarian reforms (Harder-Horst 2007; see also Münzel 1974). Concerned academics launched an international campaign denouncing the state’s role in the alleged genocide (Münzel 1974). Although the Paraguayan state was never found guilty of the accusations (Gilbert 2016), international outcry

---

<sup>24</sup> A term used in Paraguay to connote pro-indigenous organizations, institutions, or people. In other parts of Latin America, the word is often used to refer to state agencies that deal with indigenous affairs.

spurred the creation of Law 904/81.

However, the Paraguayan government did not “officially” make the multicultural turn until after Stroessner was deposed of power in 1989. Chapter Five of the 1992 National Constitution codified a range of indigenous rights and the existence of indigenous peoples in Paraguayan territory before the Paraguayan state was formed. Since adopting the 1992 Constitution, the Paraguayan state has ratified nearly all major international indigenous rights conventions and treaties, including the International Labor Organization (ILO) Convention 169 in 1993 and United Nations Declaration on the Rights of Indigenous Peoples in 2007. Scholars recognized Paraguay for its significant indigenous rights and multicultural policy framework, particularly at the time that it was developed and adopted in the early 1990s (Roldán 2004; Stocks 2005).

The turn toward multiculturalism was a turn away from the authoritarianism of Stroessner’s thirty-four-year rule and an attempt to create a new image of the Paraguayan state. Immediately following Stroessner’s rule, multicultural reforms served a key role in building a new, more tolerant and socially inclusive state, if not in practice, then in principle. The attempt to create a multicultural state never advanced much further than the creation and adoption of indigenous rights laws. However, the irony lies in the fact that failure to ensure indigenous rights reaffirms the role of the state as a violator of indigenous rights and has created the legal and political conditions that led to numerous cases before the Inter-American System.

Multiculturalism serves as a springboard for my critique and analysis of state-indigenous relations in Paraguay. Critiques of multiculturalism are abundant and I do not review them extensively here. I enter debates about multiculturalism regarding what Hale (2005b) called “neoliberal multiculturalism” and what Offen (2003) called the “territorial turn.” The territorial

turn is the spatial manifestation of neoliberal multiculturalism whereby indigenous territorial and autonomous claims share a counterintuitive relationship with advancing neoliberal governance aims (see Offen 2003; Hale 2005b; Wainwright and Bryan 2009; Bryan 2012). Indigenous autonomous rights are prevalent across Latin America; yet, those rights often do little to challenge the authority of the state (Wainwright and Bryan 2009; Hale 2011; Bryan 2012). The territorial turn and neoliberal multiculturalism are processes that render indigenous peoples and spaces governable, drawing them into new relations with neoliberal environmental governance (Velásquez-Runk 2012; Muehlmann 2013). I suggest that both neoliberal multiculturalism and the territorial turn are manifest differently in the trio of Paraguayan cases this dissertation examines versus what the scholarship to date suggests in other Latin American countries.

The claims process that I observed does not render people and place more governable; it has produced the opposite effect, creating spaces that defy governance and populations that seek governance. Bryan (2012) asserts that it is critical to understand the work that territory does and how territorial rights can open, but also foreclose, political possibilities and potential for social justice. Akin to Bryan's approach, I consider the work that rights do and how they open and foreclose political possibilities, and how they have been mobilized in the Yakye Axa, Sawhoyamaya, and Xákmok Kásek struggles for lands within their ancestral territories. Land rights serve as the political horizon to which each of these three communities aims. In the process of trying to reach the horizon, the legal struggles created situations that force us to rethink the terms and effects of the territorial turn and neoliberal multiculturalism.

### **Inter-American System and Paraguay**

This study considers three primary aspects of the Inter-American System and its involvement in cases regarding indigenous peoples in Paraguay. First, I unearth historic power relations, political economic processes, and the emergence of rights to show how the claims process shapes indigeneity and subject formation. I use “claims process” to refer to the broad act of claiming rights before the state, be it to land or other provisions of Paraguayan multicultural policy. Second, I evaluate impacts of the Inter-American Court judgments on indigenous rights in practice by detailing outcomes of the implementation process to date. Third, I focus on the unintended consequences and results of Enxet and Sanapaná efforts to gain legal recognition by the Paraguayan state and their subsequent efforts to seek arbitration by the Inter-American Court.

The results of this project contribute significant findings about the empirical effects and outcomes of Inter-American judgments on behalf of indigenous claimant communities in Paraguay. Inter-American Court decisions are extremely important for advancing indigenous rights jurisprudence. Numerous legal scholars have critiqued the advances and limitations of jurisprudence created by the court in debates that center on the theoretical *principles* of indigenous rights (see e.g. Anaya 2009; Pasqualucci 2009; Antkowiak 2014; Gilbert 2016). Much of the critical legal scholarship investigates the Inter-American System focuses on jurisprudence, impacts on policy or institutional reform, and whether compliance with the Inter-American System decisions did or did not happen.

Grounded ethnographic studies about the impacts of Inter-American Court cases on indigenous rights *in practice* are much less common in the literature. Recent studies by Bryan (2007, 2009), Wainwright and Bryan (2009), Hale (2011), and Medina (2017) are notable exceptions. Building from the emergent body of critical ethnographic analyses, I suggest that advances in *principle* often do not translate to material changes in the *practice* of indigenous

rights. Persuasive actions and arguments made in the courtroom do not often translate to material improvement in the quality of indigenous life, let alone change structural conditions that create human rights violations (see e.g. Bryan 2011; Hale 2011; Gellman 2017; Open Society 2017). This study shows that indigenous rights law and multicultural policies rarely provide the material protections or outcomes that claimants expect. It also shows that the unexpected consequences of the implementation process serve as the fuel for new political possibilities.

Articulating the right to have rights and impacts of the Inter-American judgments on the Enxet and Sanapana have created mixed results. On the one hand, recognition and rights have created invaluable political tools for indigenous claimants. On the other hand, the process of claiming those rights excavated systemic violence sedimented into the bajo Chaco and produced new forms of violence claimant community members deal with daily.

### **Positionality, research, and methods**

The dissertation is informed by the many years I have worked and conducted research in Paraguay. I first started working in Paraguay as a Peace Corps volunteer, living with a campesino family who did not own land but was allowed to live on a small parcel next to the cattle they tended to and raised. The question of land rights is almost immediately at the fore of conversation and daily life living with and working alongside campesino families. I had many conversations with my host father, Rubén<sup>†</sup>, about the challenges of trying to provide for four children on a wage of fifteen dollars per week. Rubén's was a classic arrangement; the *patrón* who owned the cattle lived in town, let Rubén use barely enough land to plant some subsistence crops, and paid a meager wage as recompense for their fifteen-year relationship.

Land politics, particularly the problematic history of agrarian reform and current distribution of property rights, punctuate some of the most pressing social and political affairs in Paraguay (see Keleinpenning 1984; Hetherington 2009; Galeano 2012). For my M.A. in Latin American Studies I returned to Paraguay to investigate land politics and sustainable development initiatives in the Aché community, Kue Tuwy. These projects were connected by a concern for social justice, land politics, and rural Paraguayans, which led me to the present study on indigenous rights, dispossession, and state violence.

Joe Bryan, my principal Ph.D. advisor, played a key role in drawing my attention to the Inter-American Court and its role on indigenous land cases. Land politics, environmental justice, and the rights of rural peoples are some of the most pressing matters in Paraguay today, particularly as investors and officials race to expand the agro-export industry. I chose to focus my dissertation on the topic of the Inter-American Court cases in hopes of contributing to a broader understanding of Paraguay within the social sciences. But I sought to contribute my research skills and the networks I can access to address pressing issues of social injustice taking place in a country that has been my second home since 2006.

Political ecologists generally do not claim to be an objective bunch. Studies are often marked by their normative commitments to challenging issues of social and environmental injustice (Blaikie 2008; Robbins 2012). Normative commitments do not preclude good social science. I am a researcher who seeks to use research as a tool for social change *and* create rigorously founded academic knowledge. But because this is my position does not mean that my research is “unfair.”

I draw explicitly from Marx’s suggestion that “philosophers have only interpreted the world, in various ways; the point is to change it” (1969 [1888], 15). Castree et al. refer to Marx’s



refrain as “an invitation to think and a provocation to act” (2010, 1). I do not imply that this study will change the world but instead openly acknowledge and embrace the political acts I hope it achieves in support of indigenous rights. To enter the practice of social science research is to enter the messy terrain of asymmetrical power, questions of authority, and representation (Robbins 2006; Hale 2008). Research is political. This is not a novel proposition, but nonetheless one that I am compelled to reiterate to frame my approach.

I did not enter this project with the intent of framing it as activist research. The more involved I got in the lives of the people I collaborated and worked with, the more I began to see this project within the frame of activist scholarship. More than a written denouncement of social injustice, the act of conducting this research placed me in a political milieu from which I cannot extract myself from. Maximiliano reminded me of this when I first stayed in the Xákmok Kásek community during their reoccupation of the Retiro Primero land. He said:

Look around. Everyone you see took down their homes and came here because they were tired of waiting. We didn't know what would happen, if the police would come. But we came anyway... It is important for our children to be here because now they are part of the fight [*lucha*]. You are also part of the *lucha* now because you are here.<sup>25</sup>

Maximiliano's interpellation, and many similar conversations I had with people in Xákmok Kásek, helped me understand the significance of being involved in the act of doing ethnographic research on the Inter-American Court cases. I was not the first person, and certainly will not be the last, to visit the three claimant communities with questions about the cases. Yet, claimant community members entrusted me with a responsibility to share their testimonies and the events I witnessed to bring attention to their cases and raise awareness about indigenous

---

<sup>25</sup> Fieldnotes, March 30, 2015.

rights in Paraguay.

It is important, however, to recall Calhoun's (2008, xxv) thoughts on activist scholarship as: "a matter of critique, not just advocacy. It is part of a project of producing new knowledge, of integrating more abstract and universal sorts of knowledge with more concrete and particular sorts of knowledge, and of keeping action and its possibilities at the center of attention." This study intends to produce new knowledge about indigenous rights, dispossession, and structural violence to create a broader understanding of these issues in Paraguay but also in relation to indigenous politics in the Americas. I hope that my work here inspires action, new political possibilities, and provokes others to act on injustices through engaged, critical scholarship.

### *Methods*

I spoke with as diverse a group of actors as possible over the course of sixteen months<sup>26</sup> to cover a wide spectrum of perspectives and interests regarding the Inter-American Court cases. I also engaged a wide group of actors to challenge my own biases and approach to this study to ensure a rigorous engagement and critical investigation of the issues at hand. My analysis is not holistic, nor the ultimate authoritative account of the Enxet and Sanapana struggles, but is well-informed based on what I have learned from different actors involved in the claims process. I do not intend for this study to be the last word on the issues that I discuss in this dissertation. Instead, I hope to open a space for debate and critical evaluation of the impacts and outcomes of struggles for indigenous rights and land rights in Paraguay and the Americas.

The research was conducted almost entirely in Guaraní or Spanish; one interview was

---

<sup>26</sup> June-July 2013 (one-and-a-half months); June-July 2014 (one month); March 2016-March 2017 (twelve- and-a-half months); June-July 2016 (one month).

conducted in English. I am fluent in both Guaraní and Spanish, conducted all transcriptions and translations myself, and did not use a research assistant to conduct any interviews or data collection. I did, however, collaborate with many people. Staff at Tierraviva facilitated introductions with the claimant communities and helped me identify many pertinent actors involved in the cases. Serafin Lopez and Clemente Dermott were extremely helpful in Xákmok Kásek, inviting me in their homes and helping me understand the community's struggles. Eriberto Ayala, Bacilio Garcia, Gladys, and Leonardo Gómez provided similar guidance and support in Sawhoyamaya. Anibal Flores provided critical feedback and assistance in Yakye Axa. Each of these actors facilitated the snowball sampling process I used to identify potential research participants. However, I also contacted some research participants using publicly available information in the case of state officials, NGO representatives, academics, etc.

I used a suite of qualitative methods to answer my research questions, primarily: interviews, participant observation, and archival studies. The interviews lasted between ten and ninety minutes on average and followed three formats: 1) semi-structured; 2) conversational survey; and 3) informal. Semi-structured interviews followed a general set of questions that guided the interview and ensured that certain topics were covered. Interviews with state actors, officials, the claimant community's legal counsel, ranchers, academics, and other NGO actors followed a semi-structured format and were almost all audio recorded. Some interviews were not recorded because the interviewee was fearful of political retribution or during more spontaneous interviews that took place when I did not have an audio recorder. I used a conversational survey based on a semi-structured interview format to elicit specific information from claimant community members regarding health, education, development and experiences with the land claims process. Informal interviews were often spontaneous and recorded by handwritten notes. I

interviewed 170 different people for this study during the 2013, 2014, 2015-16, and 2017 research periods.<sup>27</sup>

The Enxet and Sanapana interlocutors who participated in this study guided the interview process more than I did. I quickly learned that many of my initial questions did not always “hit the mark” or were not what people wanted to talk about or found most important. Although claimant community members talk regularly about the Inter-American Court cases and the *lucha*, discussing these issues in an interview format walks a fine line between making denunciations, catharsis, and re-victimization. Out of respect for the sensitive nature of the topics, many interviews were conversational and led by Enxet and Sanapana interlocutors. Per the comfort level and request of the informant, I made audio recordings of some interviews while I also transcribed interviews by hand. I took fastidious notes and great care to capture as much detail as possible to maintain the original verbiage and meaning.

Participant observation greatly informed this study. I conducted much of the research between Xákmok Kásek, Sawhoyamaxa, and Yakye Axa. During visits to each community I stayed with a family in my tent next to their home. When I first arrived in Xákmok Kásek, the community had reoccupied the Retiro Primero land three weeks prior. Sixty-three families lived in makeshift shelters at the entrance of the property and the only viable place for me to stay was in my tent. I focused field research in Xákmok Kásek from March to August 2015. This allowed

---

<sup>27</sup> The interviewees include: forty from Xákmok Kásek, sixty from Sawhoyamaxa, ten from Yakye Axa, three from Kelyenmagategma, five from Tierraviva (legal counsel for the claimants), three Paraguayan senators, eight present and former INDI employees, three present or former Ministry of Health employees, two Ministry of Justice officials, two directors of the Commissions on Indigenous Peoples, two Supreme Court of Human Rights officials, two Ministry of Exterior Relations officials, one CICSJ official, one SEN official, one INDERT official, two police officers, five NGO actors, four Paraguayan academics, three media reporters, two ranchers, three non-indigenous ranch hands, ten indigenous peoples from other communities, and an three other people from storekeepers to taxi drivers.

me to intimately experience the challenges of life in the community as they maintained their reoccupation of the land. The experience opened opportunities to learn about the excitement and energy that community members felt as they reacquainted themselves with places they had little contact with over the preceding years. I lived in Sawhoyamaxe for nearly three months and made many trips to Yakye Axa, staying the night or returning to Sawhoyamaxe to sleep. During the primary research period (March 2015-March 2016) I was highly mobile and would make trips to Asunción, other indigenous communities, and regional cities as needed to participate in or observe a variety of activities and conduct interviews.

Participant observation was based on a variety of different activities. These activities spanned from hunting and fishing trips, visits to the doctor, attending political mobilizations, playing soccer games, to sitting in on negotiations with the state and local officials, etc. One particularly productive activity was mapping. Searching for property lines and helping with community mapping projects created opportunities to learn about how members of different communities conceive of their relationships with land, and learn place-based histories. I participated in mapping efforts in Xákmok Kásek, Sawhoyamaxe, and Kelyenmagategma. In each community, this involved trying to verify the location of property boundaries using printed maps, scouting, and GPS units. In Xákmok Kásek and Sawhoyamaxe the mapping also involved helping to create basic maps for community planning: locating houses, identifying sites for future roads, etc. Participating in, and observing, the mapping processes opened an important window into understanding the expectations and hopes that Enxet and Sanapana had for their communities and how they envisioned their futures. Mapping provided a tangible activity that claimant community members were immediately interested in and wanted to pursue. I do not discuss the mapping that we conducted in detail, but use the experiences to inform my analysis.

Tierraviva, the NGO that provides legal counsel for the claimant communities, opened important participant observation opportunities. I accompanied their lawyers and staff on various tasks related to the implementation process, giving me a clear view on the bureaucratic and legal procedures involved in their efforts. I conducted this research independently of Tierraviva, but my relationship with the organization was central to this study. Tierraviva staff and lawyers gave me full access to their archival data and information about each of the cases discussed in this dissertation. These documents include official communications with the Paraguayan state, historic accounts by colonizers, anthropological studies, media reports, property titles, maps, and all their communications with the Inter-American System. The Tierraviva archives provided me with a wealth of historic and contemporary documents that would have taken me months of dedicated work to find on my own, if possible. Some of the documents that the Tierraviva archives contain are photocopies of old and very obscure government documents or one-off reports and notes from meetings that simply do not exist in any readily accessible depository.

I also gathered archival information from several other sources. The Museo Antropológico Andres Barbero in downtown Asunción maintains a wonderful archive of scholarly studies, government documents, and other miscellaneous materials. The Museum Director and Vice Director, Adelina Pusineri and Raquel Zalazar, helped me find some obscure materials that inform this study. I also utilized the Juan de Salazar library extensively to find historic academic studies about the Paraguayan Chaco and indigenous affairs. Finally, two cattle ranchers directly involved in these cases maintain their own archives. Each rancher provided me with important information that detailed their experience and perspective of the cases: 1) Roberto J. Eaton, co-owner of the *Eaton y Compañia* and member of ARPA *Sociedad Anónima* ranching company that owned the lands claimed by Xákmok Kásek and 2) Modesto Guggiari chief

administrator for the *Grupo Liebig* consortium that owns the lands claimed by Sawhoyamaxa.

The documents the ranchers shared, as well as our conversations and interviews, help deepen my analysis and provide a clearer picture of how the claims process impacts landowners who are involved.

*Eaton y Compañia* and *Grupo Liebig* are directly involved in the cases I investigated. However, I only discuss the involvement of these companies or the people associated with them to the extent that their behaviors impacted the direction of the cases, or if claimant community members directly discussed them. I focus my analysis and discussion on the Paraguayan state in relation to the Court and communities because the Inter-American System arbitrates claims between a state and its citizens, not third parties. While my political commitments align with supporting indigenous rights, this study should not be read as an unfounded attack on either company or the persons involved in those companies—particularly Mr. Eaton or Mr. Guggiari. I am grateful they entrusted me with their time, information, and perspectives on these cases and hope they will maintain a willingness to speak with other investigators and researchers in the future.

## Overview

The Enxet and Sanapana Inter-American Court cases are interwoven; I analyze them accordingly. In lieu of presenting individual case studies, I weave the histories, ethnographies, and analyses of each case together to create a study that uses specific examples to comment on a broader process. The Yakye Axa, Sawhoyamaxa, and Xákmok Kásek cases are connected in many ways. Each community is related to a similar history with Anglican missionary efforts,

cattle capitalism, and dispossession. Familial relations span the three communities. The NGO Tierraviva has provided legal counsel to each community for over twenty years. They are the only three indigenous communities in Paraguay to date that have received favorable judgments from the Inter-American Court. The jurisprudence established in each case has been used in the litigation and arbitration of subsequent cases; thus, the Yakye Axa finding influenced Sawhoyamaxa, which influenced Xákmok Kásek. Finally, the three communities support the respective struggles of the other communities, joining forces during key political mobilizations and advocacy campaigns. The dissertation follows a chronological order that traces the historic emergence of indigenous rights and efforts of the Enxet and Sanapana to claim those rights.

Chapter One, “Placing the Chaco and (dis)placing the Enxet and Sanapana,” argues that the bajo Chaco has only become part of the Paraguayan state due to the exploitation of indigenous labor to materially transform that space. I trace the history of Anglian missionaries and cattle ranching to show that the Paraguayan state relied on pseudo-state actors to “build” the Chaco, turning it from a wild frontier to a space of the state. The Anglicans, motivated in part to spread the word of God and protect British financial interests in the region, embarked on a process of creating self-governing Enxet and Sanapana subjects who then provided the manual labor used to territorialize the Chaco. The chapter draws from Marxian notions of primitive accumulation and dispossession to show how indigenous peoples were central to capital accumulation but always peripheral in relation to society and the state.

Chapter Two, “Becoming indigenous,” argues that Enxet and Sanapana became indigenous by articulating their “right to have rights” before the Paraguayan state. Pro-indigenous groups, *indigenistas*, began a new form of proselytizing among indigenous peoples to teach them the language of rights, from labor to indigenous rights. The realization of the “right to



have rights” (Arendt 1968) was a critical threshold that changed the direction of Enxet and Sanapana subject formation by opening a new field of political possibility. Rights ensured a new relationship with the state and new forms of ethno-governmentality. The chapter also shows the limits of rights, suggesting that indigenous rights have changed subject formation but done little to challenge or reshape socio-spatial relations and historic power relations between indigenous peoples, the state, and cattle ranchers.

Chapter Three, “State-as-*patrón*,” argues that the Paraguayan state governs indigenous affairs in the bajo Chaco in ways that mimic the relationship between indigenous peoples and the owners of cattle ranches. The chapter considers how the cattle ranch maintains a social and spatial order in the Chaco that the Paraguayan state emulates in its provision of “care” to indigenous communities. The chapter demonstrates that the Paraguayan state is most present in indigenous lives through its absence, highlighting what Mitchell called, the “state effect” (1991; see also Sparke 2005 and Li 2013). I advance an analytic of the state that draws from the dual meaning of the Spanish word *patrón*, at first a boss or owner but also denoting a pattern of behavior. Thus, the chapter considers the personalized power relations as well as the patterns of state actions that shape the way Enxet and Sanapana peoples have come to know the state and their role within it.

Chapter Four, “Implementing Inter-American Court judgments,” argues that the Paraguayan state’s haphazard implementation of the Inter-American Court judgments creates liminal legal spaces that exacerbate rather than alleviate indigenous dispossession. The Court employs a strategy I call *restitution as development* that centers on restituting land for indigenous claimant communities and creating community development initiatives. The strategy is designed to ensure the greatest possible positive impact on indigenous wellbeing, but ends up sustaining

life in the gap because the Paraguayan state lacks the political will to implement the Inter-American Court judgments in a timely or effective manner.

Chapter Five, “Infrastructures of dispossession and violence,” argues that the violence which permeates the Inter-American Court cases is infrastructural, built into the material spaces and geographies that the claimant communities occupy. I show that these forms of violence are part of the underlying systems of indigenous-state relations. The chapter reveals how the longstanding dispossession of the Enxet and Sanapana is the product of historic and contemporary processes that must be understood as more than material, economic, or spatial, but always also psychological and traumatic.

Chapter Six, “Disrupting the *patrón*, demanding governance, being indigenous,” argues that Enxet and Sanapana have changed their political tactics in efforts to disrupt long-standing patterns of state-indigenous relations. Rather than comport themselves as self-governing actors amenable to the Paraguayan state, the claimant communities are using the ungoverned spaces of indigeneity as political tools in efforts to force the Paraguayan state to govern and uphold their rights. Through an analysis of recent political mobilizations and unruly acts, such as closing highways or violating private property rights, I show that the Enxet and Sanapana are finding new ways to make the state comply with the Court. Enxet and Sanapana are reworking their dispossession and creating new political possibilities to be indigenous on their own terms.

An epilogue concludes the dissertation by revisiting my main findings and reiterates my suggestion that there is no “after the *lucha*.” Instead, recognition and rights open new fields of political struggle. This dissertation clearly shows that rights—be them to land or identity-based—rarely stop dispossession, but often dispossess the subject of rights in new ways. On the other hand, the dissertation also shows that dispossession does not foreclose political possibility

but can be harnessed to create new futures and spaces of indigeneity.

## CHAPTER ONE

## Placing the Chaco and (dis)placing the Enxet and Sanapana

The land used to be open. When my father was a boy in this area, the land was open. He said that we could go anywhere we wanted, to go fishing or hunting, to gather *algarrobo* seeds. We could go anywhere. Then the land changed. One day they found a fence.<sup>28</sup> It was *campo* [farmland]. The land was closed and we stayed inside because they [the ranchers] would get very angry if we crossed [the fences]. They closed the land and we started living on the ranches, and working there. Others came for work because all the land was closed and the indigenous people could no longer live like they used to. We had to stay, and work.<sup>29</sup>

Felipe shared this account with me as we sat on the side of the road in front of the cattle ranch that the Xákmok Kásek community had recently reoccupied. People from all three claimant communities shared an iteration of this story throughout my field research, always using the language of “open” (*abierto*) and “closed” (*omboty*). The expansion of the cattle ranching industry and its impacts on socio-spatial relations is vivid in the collective memory of people from Yakye Axa, Sawhoyamaxa, and particularly Xákmok Kásek. The process of enclosing the bajo Chaco is relatively recent. Many elders and the parents or grandparents of middle-aged Enxet and Sanapana lived through a time of radical change when cattle ranching spread and intensified in the region. This chapter traces the expansion of cattle ranching and the role of indigenous labor on the ranches to understand how that labor placed the bajo Chaco

---

<sup>28</sup> Literally “*alambre*,” but signifying wire fence.

<sup>29</sup> Interview: June 1, 2015.

within the Paraguayan state and simultaneously *(dis)placed* the Enxet and Sanapana.

Felipe's account is striking in the manner that it so closely maps onto Marxian notions of primitive accumulation and the enclosure of the commons (Marx 1976 [1867]; Glassman 2006). Marx saw the dispossession of peasants and the alienation of their means of production as a strategy capitalists used to create a reserve labor army that would provide labor for the expansion of capital accumulation (Marx 1976 [1867]; Clochester 1993). Marx's theories of enclosure, dispossession, and accumulation provide a useful springboard for my analysis of how indigenous labor was used to produce the space of the Paraguayan state in the bajo Chaco.<sup>30</sup>

Anglican missionaries conscripted indigenous labor to support British financial interests in the bajo Chaco. In the process, the Anglican Mission also created spaces for the Paraguayan state to territorialize<sup>31</sup> the region. This chapter shows that the Paraguayan state did not have a material presence in the bajo Chaco, but instead relied on non-state actors to territorialize the region through different capitalist enterprises. The actions and material practices of Anglican Missionaries, who relied on creating a docile indigenous labor force to ensure British ranching interests, created the material infrastructure that the Paraguayan state later used to territorialize that region. Modern political states use "capitalism qua development" to territorialize space

---

<sup>30</sup> I recognize the Marx was not writing about indigenous peoples when he developed these theories, but they are particularly helpful for analyzing the history of capital accumulation and land control in the bajo Chaco.

<sup>31</sup> The literature on territoriality and territorialization is vast in human geography. Many uses of the term *territory* equate it exclusively as the space of the state and therefore center the analysis on questions about the state (see Agnew 1994; Wainwright 2008; Elden 2013). I do not equate territory as *always* signifying state space; other territories overlap with a state's territory (see Agnew and Osleander 2010; Baletti 2012). Paraguayan state territory overlaps the Enxet and Sanapana territories that precede the formation of the state. *Territorialization*, on the other hand, is a process that produces territory, be it for a state or different actors (Delaney 2005). My use of territory and territorialization in this chapter draws from Gordillo (2011, 859) and his framing of reterritorialization as "spatially productive processes that, rather than simply unfolding on a fixed spatial matrix, transform and reconstitute the social and physical texture of the geography." Thus, I focus on the intersecting processes that produce different types of overlapping territories and socio-spatial relations in the bajo Chaco.

(Wainwright 2008). Capitalism and development have taken the form of cattle ranching in the bajo Chaco. Cattle ranches have long been key sites for capital accumulation that also serve to expand the power of the Paraguayan state *and* shape indigenous subject formation. Indigenous bodies and lives were the targets of the Anglican missionary and capitalist exploits credited with transforming the Chaco into Paraguayan state space.

In the following pages, I discuss distinct processes that reterritorialized the Chaco to contextualize the emergence of cattle ranching as a practice that produces the state and indigenous subjectivities by disciplining space and bodies. Anglican missionaries created an indigenous labor force that not only facilitated primitive accumulation in the bajo Chaco through cattle ranching, but ensured the continuous dispossession of indigenous peoples. Cattle ranching took hold in the bajo Chaco through Anglican influence and the cattle ranch is a key site to understand power relations and subject formation between indigenous peoples and other actors in the bajo Chaco. I examine indigenous-state relations throughout the dissertation, beginning that examination by evaluating the history of indigenous labor and role of cattle ranches to produce the state. I focus on bajo Chaco cattle ranching because ranching (dis)placed Enxet and Sanapaná peoples within the Paraguayan state. I use the term **(dis)**placed to highlight that Anglican missionaries placed indigenous peoples at the center of processes that physically displaced Enxet and Sanapaná from land and ensured their lasting marginality within the Paraguayan nation. Cattle ranching was the primary mechanism used to (dis)place the Enxet and Sanapaná while also creating spaces the Paraguayan state would later territorialize.

Nearly all the land in the Presidente Hayes Department has long been converted to private property, primarily cattle ranches. Scholars estimate less than five percent of the land in

the Presidente Hayes Department is held by the state: the rest is private property<sup>32</sup> (Kleinpenning 2003; Vázquez 2010). The Chaco has become part of Paraguay by way of the cattle ranch. Cattle ranches operate, in large part, on the enclosure of land and establishment of pastures to maintain cattle populations. Ranching intensified in the bajo Chaco with improvements in cattle stock, introduction of the chainsaw, and construction of the Trans-Chaco highway in the 1960s (Vázquez 2010; de Warioux et al. 2016).

The enclosure of the bajo Chaco, resultant dispossession of indigenous peoples, and the creation of a disposable indigenous labor force is a direct product of multiple historical factors. The political economic restructuring of land rights that resulted from the Chaco land sales, missionary efforts of the Anglican Church to “pacify” and create a docile work force, and the reliance of the Paraguayan state on cattle ranching colonizers to territorialize the Chaco created the “perfect storm” that engulfed Enxet and Sanapaná peoples. So-called “primitive accumulation” was the “original” dispossession<sup>33</sup> of Sanapaná and Enxet. As the ranching industry expanded in the early 1900s, so did the dispossession of Enxet and Sanapaná peoples and use of indigenous labor on ranches (Kleinpenning 1984). Kidd’s study suggests that by the mid-1940s ninety-eight percent of all Enxet and Sanapaná territories had been converted into cattle ranches (1992).

---

<sup>32</sup> The Paraguayan state has admitted to not knowing how much land it controls in the Paraguayan Chaco (ABC 2009) and cadastral information is highly problematic across the country (Hetherington 2010).

<sup>33</sup> Others (Kidd 1992; Leake 1998) have argued that the first dispossession of indigenous peoples in the Chaco occurred in 1825 with the passage of a law whereby the Paraguayan state declared ownership of all lands without proof of title. Though Kidd and Leake are not incorrect in their analyses, the material dispossession of land did not come until much later, beginning at the turn of the twentieth century and coinciding with the expansion of non-indigenous exploration in the Chaco. Thus, I refer to the material enclosure of the Chaco and presence of non-indigenous peoples as the “original” dispossession of Enxet and Sanapaná peoples from their lands.

The bajo Chaco and its role within the Paraguayan state has been largely constructed by the contradictory ways that indigenous peoples have been central, but often invisible, in producing the Chaco. I untangle relationships between colonization, agrarian political economy, indigenous peoples, and state-making to highlight the central yet invisible role indigenous peoples have played. Since the onset of Anglican missionary efforts, Enxet and Sanapaná peoples have simultaneously been marginalized by, but central to, capital accumulation and state-making projects that produce(d) the bajo Chaco.

Indigenous labor has largely been left out of the history of the Chaco, despite the widespread reliance on indigenous peoples to materially transform the bajo Chaco by building cattle ranches and clearing forests for the tannin industry. Pseudo-state actors (i.e. missionaries, Mennonites, and investors) are credited with producing the Chaco as state-space, while indigenous labor has been marginalized, both materially and discursively. Scholars have evaluated the role of indigenous peoples in the tannin industry (see e.g. Blaser 2010; Bonifacio 2013; Villagra-Carrón and Bonifacio 2015), Mennonite colonization (Renshaw 2002; Bessire 2014; Canova 2015), and sustainable development initiatives (Blaser 2003, 2010). I contribute to scholarship on Paraguay by providing a distinct analysis of indigenous labor in the bajo Chaco, showing that indigenous labor allowed the state to territorialize that area through its support of cattle capitalism. I suggest that role of indigenous labor in producing the space of the Paraguayan state has not been considered to date in the literature.

Recognizing the role of ranching and its socio-spatial expression in the bajo Chaco is crucial to understanding the historic material and discursive processes that shape the present and future politics of Enxet and Sanapaná struggles. The cattle ranching industry has a long history in Presidente Hayes and the region is still home to the greatest ranching activity in Paraguayan



Chaco.<sup>34</sup> Cattle now outnumber the human population by nearly twenty-five to one in the area. The current state of cattle production builds from a history of land-use and colonization that centered on creating self-governing indigenous subjects who would serve as a disposable and invisible source of cheap labor. In the following pages, I look to the past to better understand the present conjuncture that this dissertation examines.

### ***Ranchlands in the bajo Chaco***

Large-scale cattle ranching requires a very specific production of space. It is a way of organizing space, in this case the “unruly” Chaco frontier, that makes nature governable through practices that ensure sustained economic production (see Hecht 1985; Gardner 2009). The cattle ranch is a governable space and system that functions to manipulate bovine life for the economic benefit of the *patrón*. It is a system defined by fence lines, the location of strategic water sources and cattle dips, environmentally-adapted cattle breeds, brands, and ear tags that make space and cows legible in ways that evoke Scott’s (1998) notions of legibility and state practice. In the Paraguayan Chaco rangelands are defined by fixed, normalized boundaries, and private property rights—there are no commons. Thus, the cattle ranch is ostensibly a site of order where laborers, cattle, and the biophysical environment must be made docile and subservient through discipline to ensure expected outcomes and return on investment. Indeed, cattle ranchers in the bajo Chaco have long relied on indigenous labor to clear forests, establish pastures, build fences, and tend to cattle. The cattle ranch is a site where the *patrón* and his staff ensure a proper governance of

---

<sup>34</sup> At the national scale, Paraguay is presently the sixth largest exporter of cattle (by head) globally with goals of entering the top five by 2020 (ABC 2015; ARP 2016). The cattle industry is the most lucrative economic activity in the Chaco (Vázquez 2010; de Warioux et al. 2016). The industry occupies roughly thirty-percent of the total land area (MAG 2016) and has been attributed for driving extensive deforestation (Mereles and Rodas 2014).

life—bovine, human, plant, and “wild”—so the ranch operates smoothly for capital reproduction.

I view the emergence and spread of cattle ranching in the bajo Chaco as a practice that produced distinct social, spatial, and power relations that influenced how the Paraguayan state has come to govern that region and particularly indigenous peoples that live there. Ranches employ strategies that parallel state-making processes: territoriality, governance, and calculability (see Hannah 2002; Rose-Redwood 2012 on state-making). The Paraguayan state tacitly relied on cattle ranching in the bajo Chaco to ensure the state’s tenuous territorial claims to that region in the early to mid-1900s. Ranches help strengthen property rights, a key institution of the Paraguayan state, by giving them a material expression. Moreover, the ranches helped make Paraguayan state territory by populating the area with people that identified with the state, to say nothing of ranching and development. The people and animals that occupy the ranches reproduce the territoriality of the Paraguayan state in peripheral spaces of the Chaco.

Cattle ranching territorialized Presidente Hayes by driving ecological, social, political, and economic change, to say nothing of how ranching physically alters space. Roads, fences, pastures, extensive deforestation, *trasganados* (semi-trucks used to haul cattle), ranches, and stock ponds now define the landscape. From the sky, the ranches look like a patchwork quilt traversed by meandering streams that drain to the Paraguay River. On the ground, they look like cattle ranches you might find just about anywhere, save for the abundant palm trees. But the view changes as you move across and around the Presidente Hayes Department. The Trans-Chaco highway, for example, is plagued with potholes; slapdash construction burdened by overloaded *trasganados* and extreme seasonal weather wreak havoc on the thin asphalt layer that is in a perpetual state of being replaced. Or, if you look at the ranch from the margin of the highway where Yakyé Axa is located, the ranch is a site of dispossession. The ranch fence is a

daily reminder of something so close, yet so far away: the lands the community claimed for over twenty years. When I joined Xákmok Kásek in the occupation of Retiro Primero, the ranch was the site of radical possibility: that of “winning” the land struggle or being violently evicted any day by the police.

In the remaining pages of the chapter, I highlight relationships between the way that cattle ranching emerged in Presidente Hayes as a result of the Anglican missionary efforts, large-scale land investments during the late 1800s, and role of extractive industries. I suggest that indigenous labor was elemental to the spread of cattle ranching and how capitalist enterprise opened the means to place the Chaco within Paraguay. However, the history of indigenous labor exploitation and dispossession driven by cattle ranching produced a system of socio-spatial relationships that persist to the present day. I explore some of those relations in this chapter, but also build from this analysis in Chapter Two, where I more closely consider how cattle ranching created a pattern of socio-spatial relations replicated by Paraguay’s governance of indigenous affairs. Thus, my analysis of the establishment and expansion of ranching in the bajo Chaco and the central role that indigenous peoples have played in that process sets the stage for subsequent discussions about dispossession throughout the remaining chapters.

### **Territorializations by privatization, extraction, and salvation**

The aftermath of the Triple Alliance War (1864-1870) radically changed socio-spatial relations in the Paraguayan Chaco. The Paraguayan state subdivided and sold more than 72,000 square miles of the Chaco—two-thirds of the territory—to financial speculators on the London Stock Exchange to finance war debts between 1885 and 1887 (Kleinpenning 2003; Vázquez

2010). The Chaco was little more than a cartographic imaginary of the Paraguayan state at the time of the land sale, with lines drawn on paper to represent Paraguay's claim to a vast alluvial floodplain stretching from Asunción and the Paraguay River west toward the Andes. The Paraguayan state had no material presence in the region nor were there any pseudo-state actors to represent the government's interests (Chesterson 2013). Save for sparse settlements along the Paraguay River, few European or Paraguayan explorers had traveled far into the Chaco or established a presence in the area until the late 1800s (Kleinpenning 2003). The Chaco was merely an imagined space of the Paraguayan state, an "empty space" for the expansion of capitalist development and the state.

The demarcation of the Chaco and its sale as private property was the state's first effort to exert a significant material presence in the region. Anglican missionary Barbrook Grubb captures the conundrum of the sale and emergent territory in his book *A Church in the Wilds*:

Although for some generations the Indian [sic] territory of the Chaco had been claimed by the adjoining republics [Paraguay and Bolivia], *no systematic effort was made to establish dominion over it*, but about the time of the advent of the mission, the Government of Paraguay proceeded to *sell off to speculators the whole of their portion of this vast extent of country* [i.e. Chaco region]... This they succeeded in doing by marking off the bank of the River Paraguay into sections a league wide, and *drawing imaginary lines due west to the frontier*. In a very short time the Government has sold the entire country, even the few reserves they had at first determined to maintain. The early missionaries were therefore confronted with the anomaly of a country as large as Great Britain practically unexplored, its inhabitants heathen barbarians, *no centre [sic] of government or representative authority in the whole of the vast interior, and yet the whole land, although unsurveyed, sold by the Government and bought by speculators in Europe and elsewhere*, none of whom had ever seen the lands which they had purchased (1914, 20-21 my emphasis).

The Chaco land sales drove a radical change in socio-spatial relations that began to incorporate the region as state territory through the presence and actions of pseudo-state actors. The parcelization of the Chaco imposed a new grid of intelligibility and legibility by establishing private property (see Mitchell 2002 on the effects property). Blomely (2003, 131 my emphasis)

argues that property in land is “a pervasive form of disciplinary rule backed by sovereign power. As we make sense of and navigate *the grid* on a daily basis, we internalize and reproduce the “self-restraint” associated with property.” Thus, property disciplines space by defining it through cartographic and juridica-political practice, but it also serves to discipline people who come to know property as an exclusionary practice enforced by sovereign authority to punish. The transformation of the Chaco from, what Lefebvre (1991) might call “absolute space” into private property spurred a process of accumulation and the material transformation of the landscape into “abstract space,” forever changing socio-spatial relations in the area. The league wide “imaginary lines” drawn due west from the river to the frontier helped convert the Chaco from an imagined space to a space invoked through capital and disciplined by the state institution of private property rights. Property rights facilitated new material transformations of the Chaco and helped spur colonialism in that region. What was, just years before, the “uninhabited far side of the river”<sup>35</sup> emerged as a new site for colonial exploration and the accumulation of resources, capital, and souls. The map illustrated in Figure 2 (below) illustrates how the bajo Chaco was divided into property for sale. The lack of detail or specificity about the extent of the parcels created conflicts over property rights and their demarcation that persist to this day (Vasquez 2010). Moreover, the map presents the region as if it were devoid of anything but open land for the purchase, even though indigenous peoples were present and utilizing the great extent of the lands depicted on the map at the time it was drawn.

---

<sup>35</sup> In relation to the country’s capital Asunción and center of the state’s population in the mid-late 1800s.

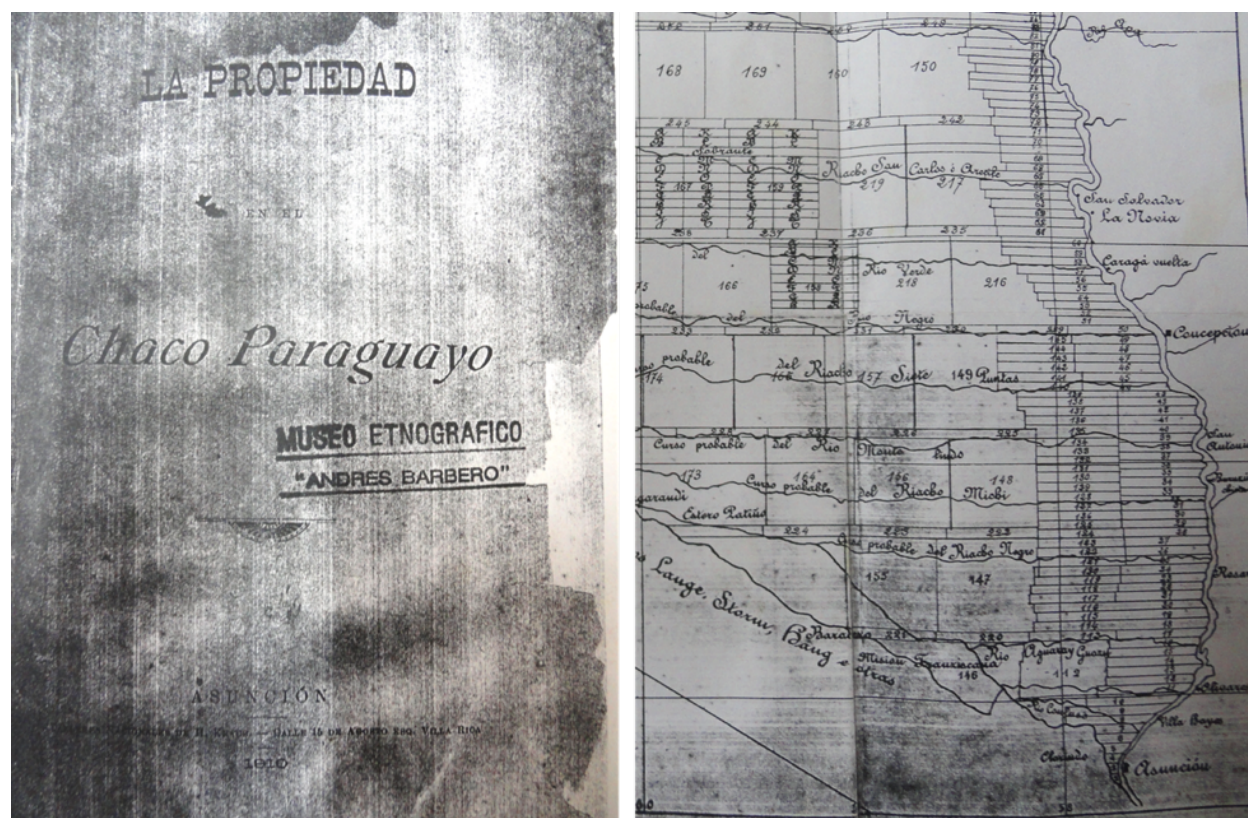


Figure 2. Detail of a map that depicts the parcelization of the bajo Chaco (image on right). Note that the left-hand image depicts the cover of the map, which was contained in a booklet. The title is telling: “The Property in the Paraguayan Chaco.” I obtained photos of the map at the Museo Etnografico Andres Barbero, but could not determine author’s name. The map was produced in 1910.

### *From resource extraction to soul salvation*

Resource extraction has long been central to state making (Coronil 1997; Bridge 2014). The abundance of *quebracho colorado*, cheap land, and global demand for tannin to cure leather spurred an extractive industry that allowed the state to expand its influence along the Chaco frontier (Kleinpenning 2003; Villagra-Carrón and Bonifacio 2015). Argentina, U.S., and British companies purchased large tracts of land, established factory ports along the banks of the Paraguay River, and converted the Chaco into the leading global producer of tannin by the early 1900’s (Leake 1998). Non-indigenous Paraguayans moved to the tannin cities for employment, working alongside indigenous peoples who served as cheap, readily available labor for the tannin

industry (see Blaser 2010; Bonifacio 2010, 2013; Villagra-Carrón 2014). The industry was most active in areas to the north of Enxet and Sanapana territory (Villagra-Carrón 2014). By 1934, nearly eight million hectares of the Chaco were under the ownership and control of seven private companies (Vázquez 2010, 56-62). The tannin industry provided a significant source of fiscal revenue and foreign currency for the Paraguayan state (Blaser 2010, 65). Global demand for Paraguayan tannin spiked during the World Wars, but collapsed with the introduction of synthetic tannins in the 1970s (Bonifacio 2013). With the collapse of the industry, many tannin companies subdivided and sold their property or focused their efforts on cattle ranching (Renshaw 2002).

Just as the tannin industry precipitated the economic colonization of the Paraguayan Chaco, the intercession of Anglican missionaries spurred the colonization of Presidente Hayes. The Anglicans harnessed indigenous labor to establish cattle ranches and chart the way for the Paraguayan state to expand into the bajo Chaco. The British Anglican mission began working in the Paraguayan Chaco in 1889 shortly after the establishment of the tannin industry. The missionaries mostly operated south of tannin country in areas where British citizens had their greatest financial interests: the current-day Presidente Hayes Department. The Anglican mission relied on cattle ranching for the income and sustenance to support different mission stations established throughout Enxet and Sanapana territory. Over the course of its more than 100-year history of missionary work in the bajo Chaco, the South American Missionary Society (SAMS) established numerous smaller mission stations in addition to “central station” Makxawáya in 1907 (see Figure 3).

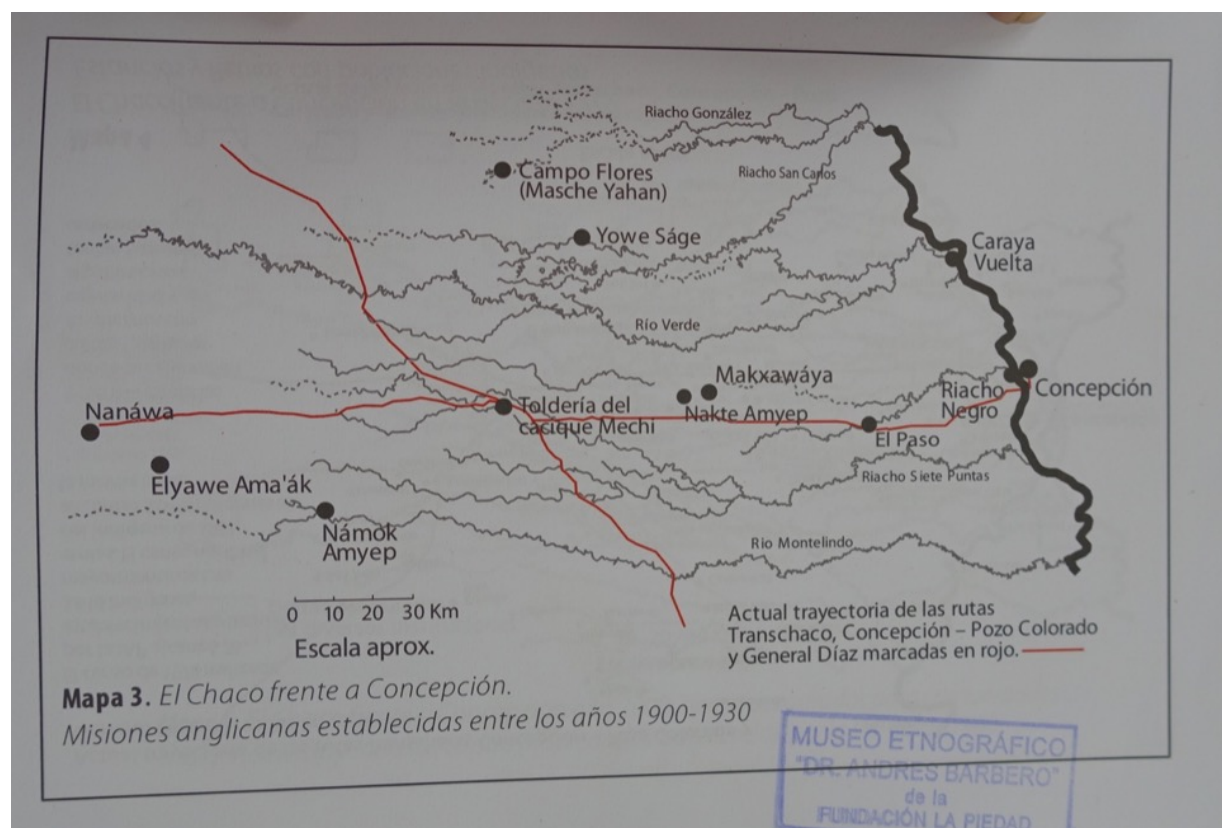


Figure 3. Map depicting distribution of Anglican missions in the area of Yakye Axa and Sawhoyamaxa that operated during 1900-1930 (Powell 2007, 78). Note that “El Paso” is approximately where Yakye Axa is presently located on the shoulder of the highway. The red lines indicate the location of major roads.

The mission ranches opened the space for commercial ranching to follow by preparing a work force and establishing the basic infrastructure needed to transport cattle from interior ranchlands east to the Paraguay river (Powell 2007). Kidd likens the road network established by the Anglican missions to “the main artery along which colonization of the Chaco progressed” (1992, 63). Although many large-scale land investments in the Chaco were initially made for the tannin industry, with the collapse of that industry many landholders subdivided their properties and sold them to smaller ranching operations that moved into the Anglican area of influence (Kidd 1992; Leake 1998). The Anglican missionary efforts provided a system of socio-spatial control that facilitated the expansion of capital accumulation and territorialization in the form of



cattle ranching.

The missions relied on ranching for subsistence and income generation, but the colonizing work of the Mission also facilitated the spread of commercial ranching. Anglican missions were often organized as cattle ranches that surrounded a central living area and church. As the missions made further inroads into the Chaco and became more permanently established, they required more indigenous labor to run daily operations. Using donations from Britain, the Church established an extensive settlement on the Riacho Negro under the guise of the “Paraguayan Chaco Indian Association” in 1901, which “enable[d] the [indigenous] people to obtain profitable work and industrial training, and thus to localize them at the mission-stations, where they could be more efficiently dealt with” (Grubb 1911, 140). The primary cattle ranch for the Anglican mission was called “The Pass” and by 1949 ranching was the primary source of income for the mission (Anglican Church 1979). The mission and the ranch were one and the same, serving as the primary space where the Paraguayan state was manifest in the region until the Chaco War (1932-1935).

From the beginning of its operations, the Anglican Mission had a dual purpose. The first goal was to save souls and “pacify” local indigenous populations. The second goal was to create a labor force to support British business interests. Indeed, SAMS, which supported the Anglican missions, stated the following in its annual report of mission activities in 1909:

Those who have an interest in Chaco lands can surely not fail to see the benefit of a numerous, trained and willing population of workers [i.e. indigenous people who the mission was “pacifying”] with whom to develop the lands in which they have placed their capital. The question of suitable labour will always be an important one in this world (and)...we are practical enough to not neglect such training as will fit these people to take their proper place in the world (as quoted by Kidd 1992, 64).

British Anglican Missionary Barbrook Grubb oversaw managing the Mission’s activities in Paraguay between 1889-1919 (Powell 2007), particularly by expanding the presence of the

Anglican Church into the Paraguayan Chaco and creating self-governing Enxet and Sanapaná populations. The Paraguayan government named Grubb “Commissioner of the Chaco” to ensure he would serve as a civilian envoy of the Paraguayan state while “pacifying” the indigenous peoples that he encountered (Kidd 1992).

Grubb’s extensive accounts about his missionizing efforts reveal ways that the Anglican mission also served the purpose of creating new spaces and subjects for the Paraguayan state.<sup>36</sup> Grubb regularly detailed his intent to create self-governing indigenous actors amenable not only to the needs of British capitalist ranchers, but also to the Paraguayan state. He saw Enxet peoples as a potential labor pool who, with proper instruction, would be industrious and self-governing. SAMS, with Grubb as its mediator, sought to facilitate the spread of capitalist enterprise and, in turn, the Paraguayan state:

The South American Missionary Society<sup>37</sup> sought to form not only a Christian Church among these savage and nomadic tribes, but also industrial communities, and was *entrusted by the Paraguayan Government*, who claimed that the region was their territory, *with the task of binding the tribes together in unity, and of instructing them in government. The policy of the mission was to endeavor to make the people rule themselves* (1911, 21-22 my emphasis).

Grubb’s account highlights the multiple roles that he and the Anglican mission played to not only meet the goals and aims of the Church but to also advance the Paraguayan government’s interest in creating governable populations.

Grubb saw his responsibility as pastoral and governmental. He sought to shepherd the

---

<sup>36</sup> Grubb’s writings are clearly racist and espouse a problematic paternalistic perspective of indigenous peoples. However, they are some of the most extensive and detailed ethnographic reports about this region of the Chaco during the early colonial period (i.e. 1880s-1910s).

<sup>37</sup> SAMS provided financial support for Grubb’s endeavors and he wrote his extensive reports about his years of missionary activities for SAMS.

Enxet and Sanapana, but wanted to ensure that they properly “rule[d] themselves,” first in line with the goals of the Mission, second for British cattle capitalism, and finally for the Paraguayan state. In many ways, the Anglican Mission’s vision of creating self-governing subjects can be read in relation to Foucauldian notions of governmentality. Bruchell (1996, 19) refers to government as the “‘art’ of acting on the actions of individuals, taken either singly or collectively, so as to shape, guide, correct and modify the ways in which they conduct themselves” (as cited in Erazo 2013, 5). The Anglican Church sought to use the mission as a conduit to produce indigenous subjects amenable to capital accumulation: laborers.

The process of creating self-governing “pacified” indigenous peoples was also amenable to the Paraguayan state because the Mission was slowly drawing the Chaco into the sphere of state governance. The Mission and cattle ranching were placing the Chaco within Paraguay. Anglican missionaries taught the Enxet and Sanapana how to “conduct their own conduct” so they could be assimilated as docile subjects, the source of cheap labor, and perhaps one day even citizens of Paraguay. Again, Grubb’s own words are informative:

Our task was ... to *give them a system of government*; to raise them to the level of property-holders; to induce them to adopt an industrious, settled, and regular life...to awaken a desire for culture and progress; *to fit them to receive the offer of the Paraguayan Government of citizenship in that Republic*; to make them useful members of a society, a people who could bear their part in the development of their own land (1914, 218 my emphasis).

Grubb’s narratives and goals, while reprehensible, are not surprising; they embody assimilation tactics used by religious missionaries and state actors across the Americas (see e.g. Sieder 2002; Mallon 2005; Wainwright 2008). Grubb’s efforts entailed teaching indigenous peoples Spanish, acculturating them to Paraguayan social norms, creating a disciplined work force, and spreading the symbols of the nation. Becoming a good Christian thus meant adopting the cultural norms of the imagined Paraguayan nation: language, knowledge of agriculture and cattle grazing, and a

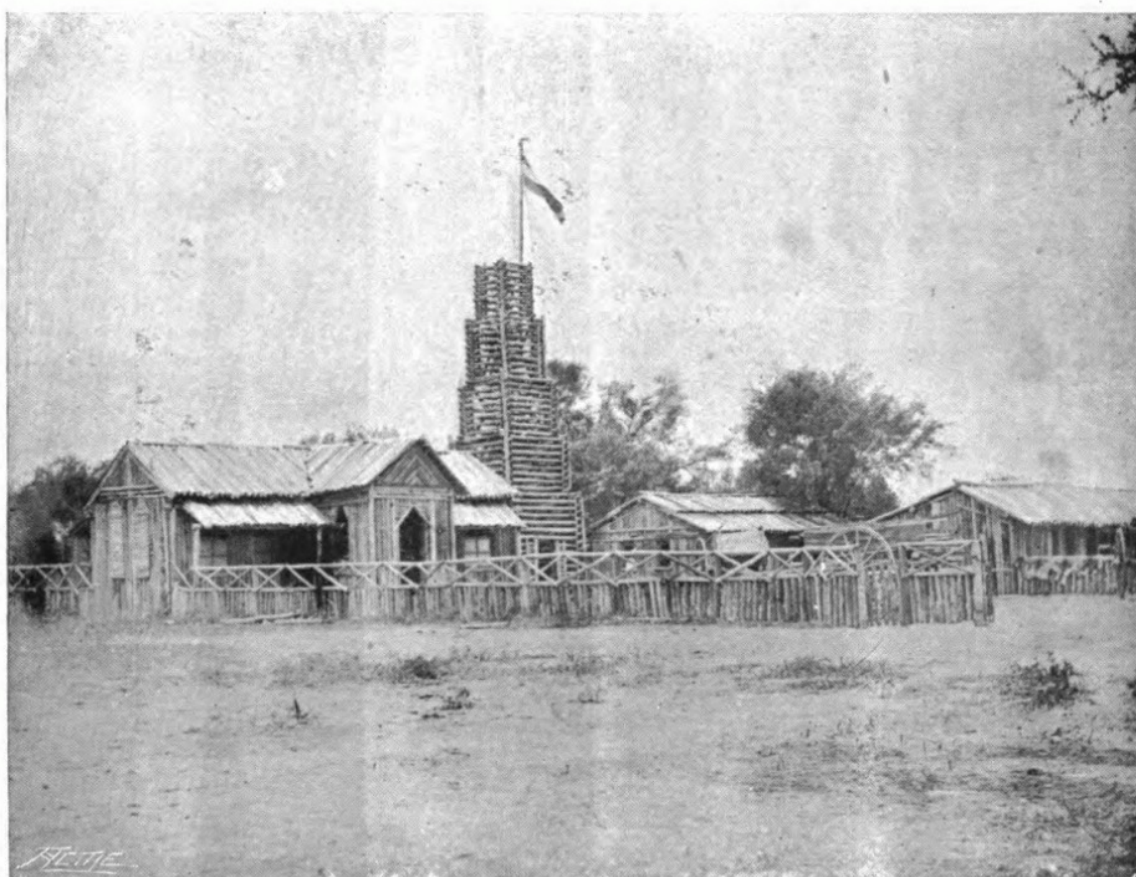
Christian work ethic. The Anglicans created industrial schools and camps at the ranches they used to educate Enxet and Sanapaná, which served to supply the missions with the manual labor the missions required: logging, fence building, cattle rustling, etc. (see Figure 4). Teaching indigenous peoples language and labor skills brought them closer to the Paraguayan national identity and created a labor force that could communicate with non-indigenous *patrones*. The missionary efforts were therefore part of a governmental project that both was and was not an explicit state endeavor. The Anglican Mission was explicitly involved with the Paraguayan state; Grubb was the state's "Commissioner of the Chaco." But the Mission was only tacitly involved with state efforts to territorialize the region because the official goals of the Mission were not state-making, but "salvation" of indigenous peoples.



Figure 4. Enxet laborers pulling a cart loaded with lumber. A British Anglican missionary stands at watch by the wagon wheel. No date or author information was provided (Powell 2007, 250).

The Paraguayan government tacitly used Anglican missionaries to "establish law and order" and thereby produce governable state territory in "a 'wild' frontier" (Chesterson 2013, 83). The Church was the first vehicle that spread the Paraguayan state through Enxet and Sanapaná territory, providing a space to worship the Lord and pledge allegiance to the Paraguayan state (see Figure 5). To maintain control over the Chaco, the Paraguayan government

needed to see that indigenous peoples were “pacified” and eventually assimilated within the Paraguayan state as laborers. Grubb articulated aspirations of assimilation across all of his writings that I read: “...what we must try and do is to teach those who are capable and willing to be trained useful occupations, *so that they may become of value to the State....* For the rest, we must endeavor to bring them into contact with respectable employers...” (Grubb 1911, 278 my emphasis).



CHURCH, CENTRAL STATION.

Figure 5. The church at Makxawáya in the year 1910. Note the Paraguayan flag flying atop the steeple in the middle of the image (Grubb, 1911).

I am not arguing that the Anglican Mission was working directly for the Paraguayan

government, but that the Mission's activities facilitated the Paraguayan government's slow entry into the Chaco region. As Grubb repeatedly discusses in his accounts, the need to discipline indigenous peoples in the art of self-governance via wage labor—namely as peons and ranch hands—was the principal avenue to assimilation. As much as the assimilation of indigenous peoples required creating docile subjects, the cattle ranching industry required a docile population that would not thwart their ranching efforts and that could serve as laborers. The expansion of the Mission, cattle ranching, and later the Paraguayan state were dependent on the creation of a reliable labor force. Indigenous labor cleared the forest, established fence lines, built roads, carved stock ponds, planted grasses for cattle forage, and even participated as scouts on survey crews to demarcate land for investors. The production of an indigenous labor force to facilitate cattle ranching reveals just how inextricable the discipline of Enxet and Sanapaná peoples was from the discipline of spaces that the state would later territorialize.

### *New territorial actors in the Chaco*

The Chaco War (1932-1935) was the first time the Paraguayan state made a concerted effort to directly territorialize the region rather than rely on private and/or pseudo-state actors to do so. Following independence from Spain in 1811, Paraguay laid cartographic claim to large expanses of the Chaco. Bolivia also claimed the Chaco as part of its national territory. With rumors of petroleum deposits in the Chaco and the influence of competing oil companies, Standard Oil for Bolivia and Royal Dutch Shell for Paraguay, each country asserted material claims over the region by moving troops and establishing forts in the late-1920s (Archondo 2007; Chesterson 2013). The Chaco War ensued from 1932-1935 with Paraguay the victor and its northern border set with Bolivia. The war effort was clearly an act of state-making par excellence that was only possible due to the colonizing efforts of actors that preceded Paraguay

in the Chaco.

The cattle ranches, missions, and tannin industry all played essential roles in facilitating the Paraguayan state's efforts to fight the invading Bolivian armies (Chesterson 2013). No roads existed prior to the establishment of the Anglican missions, tannin industry, and cattle ranches. The Anglicans built over 700 kilometers of cart tracks (Kidd 1992) and the tannin industry over 500 kilometers of railroads, with eighteen locomotives and 200 train cars that the military relied upon for troop movements and resupply lines during the War (Vázquez 2010, 56; see also Dalla-Corte Caballero 2012). Makxawáya and other Anglican mission stations further west served as important field hospitals and the mission at Nanawa was the site of two major battles in 1933 (Farcau 1996; Chesterson 2013).

Little is written regarding indigenous peoples and the Chaco War even though the War was waged on indigenous territories (Villagra-Carrón 2010, 2014; Unruh and Kalisch 2008). While some northern Yshyro peoples served as scouts for the Paraguayan military (Richard 2008b), most of the battles were waged in Nivaclé, Guaraní Ñandeva, and Ayoreo territories in the southern and central Chaco (Farcau 1996; Richard 2008). The Enxet and Sanapana, on the other hand, were not directly impacted by the actual battles (Villagra-Carrón 2014), but major supply lines carrying supplies and soldiers to the frontlines traversed their territories, bringing them into greater contact with Paraguayans (Unruh and Kalisch 2008; Kalisch 2011). These encounters had serious consequences for the Enxet, Sanapana, and Enhlet-Enenhlet due to racial violence and increased contact with new diseases (Richard 2008a; Unruh and Kalisch 2013; Langer 2013). The official presence of the Paraguayan state diminished in the Chaco after the War (Kidd 1998). However, missionaries, colonizers, and cattle ranchers continued to play a key role in making the Chaco Paraguayan territory.

The most significant and lasting impact of the Chaco War on indigenous *Chaqueños*<sup>38</sup> was the reterritorialization of space and the increase of permanent non-indigenous populations. In the years just preceding the Chaco War and immediately following it, the Paraguayan state enticed Canadian and European Mennonites to establish colonies in the central Chaco (Canova 2015). Geographic isolation from Asunción and other Paraguayan population centers meant that the colonies were essentially independent outposts. Although Paraguay did not establish government offices or dispatch representatives such as police or military to live in the colonies (Vázquez 2010), the Paraguayan government saw these colonies as a direct claim to the Chaco, validating the state's control over that territory through the permanent presence of Paraguayan citizens (Kleinpenning 2003; Chesterson 2013).<sup>39</sup> The Paraguayan military declared authority over the management of indigenous peoples following the War (Renshaw 2002) but in fact relied on church groups to facilitate the official assimilationist policies adopted by the state (Kidd 1992; Leake 1998). As a result, the Anglican Church expanded its missionary efforts through the end of the 1980s, culminating in an extensive indigenous resettlement project.

### *New Anglicans, old narratives*

Arguing that the only viable option for indigenous peoples of the Chaco was to become

---

<sup>38</sup> A term used to identify someone or something as being from the Chaco. The word is also used in reference to the Bolivian and Argentine Chaco and is not exclusive to Paraguay.

<sup>39</sup> Mennonites have been essential to the expansion of the cattle ranching industry in the Paraguayan Chaco, though do not directly influence the Yakye Axa and Sawhoyamaya communities. In recent years, Mennonites have become the leading producers of cattle and dairy products in Paraguay and their influence is spreading throughout the Chaco (de Warioux et al. 2016). As Mennonite cooperatives acquired more land to expand their ranching activities, they have come into conflict with the Xákmok Kásek land claim, purchasing 3,000 hectares of their original claim.



agriculturalists, the Anglican Church pursued its assimilationist goals into the late 1980s. Their efforts culminated in the *La Herencia* (The Inheritance or Legacy) settlement project and the purchase of nearly 45,000 hectares of land to establish three indigenous communities: 9,500 hectares in 1980 for Sombrero Piri, 22,500 hectares in 1983 for La Patria, and 9,374 hectares in 1985 for El Estribo<sup>40</sup> (Leake 1998; Villagra-Carrón 2015). The Anglicans sought to create communities of “indigenous colonists” who would mimic the agrarian production systems of Paraguayan campesinos and the protestant morals of Anglican missionaries (Anglican Church 1977). Two primary goals listed in the project proposal are to ensure that the “indigenous colonists”: 1) “form settled, ordered and fully functioning village communities with sufficient knowledge and experience to solve their own problems and plan their own future” and 2) “understand the values of his country” (Anglican Church 1977, 3-4).

The *La Herencia* project plan is testimony that the narrative of the Anglican Church and its depiction of indigenous peoples had changed little over the course of nearly 100 years of missionary efforts. Theirs was still a project of trying to produce self-governing subjects who would make acceptable Paraguayan citizens as wage-laborers and agriculturalists. Their depictions situate the Enxet and Sanapana peoples as wards to be cared for who, perhaps, had the ability to “solve their own problems and plan for their own future” with the proper guidance. The discourse itself mapped onto tropes about encounters with development where improvement is based on the adoption of specific technical knowledges (i.e. the management of agricultural

---

<sup>40</sup> The Anglican Missionaries made extensive efforts to identify high-quality land and engaged in a significant consultation process with Enxet, Sanapana, and Agaité peoples who would come to occupy the land (see Leake 1998 for an extensive discussion on the methods of identifying and purchasing the lands for *La Herencia*).

systems) taught by experts (see Escobar 1995). The Anglicans were still trying to produce self-governing indigenous subjects who would adhere to the liberal norms of the Paraguayan nation, more as petty-farmers and campesinos than through an embrace of indigenous alterity.<sup>41</sup> These goals were packaged in the language of creating modern indigenous subjects that meet broader social and moral norms (i.e. liberal, Christian) (see also Povinelli 2002).

The *La Herencia* project did succeed in securing important spaces for indigenous peoples to establish independent communities, but the Anglican vision of creating self-sufficient agrarian communities never came to fruition. For one, farming in the bajo Chaco is hard. Biophysical characteristics of the region have historically made significant agricultural production unviable. The soils are clayey and generally saline. The bajo Chaco is a large alluvial floodplain that drains eastward from the Andes to the Paraguay River and is highly influenced by seasonal rainfall and subject to regular flooding events as well as drought. When significant summer rains arrive, much of the area quickly floods, turning into a vast swampland. Small undulations in the landscape make the difference between land that is good for agriculture and housing and land that is not. Subtle topographical differences, in what is an otherwise flat region, make subsistence and large-scale farming impossible on much of the available land because seasonal rains and thundershowers regularly flood the area. For these reasons, large-scale agriculture has never taken off in the bajo Chaco yet cattle production has. Geographic constraints that limit the viability of agricultural production and even more limited employment opportunities turned the

---

<sup>41</sup> Florencia Mallon's *Courage tastes like blood* (2005) details changing identity politics among the Mapuche of Chile. She traces how Mapuche articulated campesino or indigenous identity for political rights. However, the Anglican project was less one of respecting indigenous self-determination, than about assimilation through liberal morals and commercial agriculture.

*La Herencia* communities into labor camps<sup>42</sup> for nearby cattle ranches.

Cattle ranching, resource extraction, and the Anglican missions reterritorialized bajo Chaco, transforming indigenous territories into the spaces of capital accumulation. These reterritorializations placed the Chaco within Paraguayan territory and facilitated the Paraguayan state's territorialization of the Chaco. While non-indigenous actors were the impetus for these changes, they relied upon indigenous labor to achieve their goals and because of this I suggest that indigenous peoples were the ones who built the bajo Chaco. This was a violent and upsetting process, however. The reterritorialization of the region upset indigenous ways of life and completely altered socio-spatial relations. The Chaco land sale, Anglican mission, and expansion of cattle ranching in the Presidente Hayes Department created the conditions that shape the contemporary Yakye Axa, Sawhoyamaxa, and Xákmok Kásek land claims.

### **Lived experiences: Enclosure, dispossession, and labor**

The Yakye Axa, Sawhoyamaxa, and Xákmok Kásek lands were all sold as a result of the Chaco land sale and greatly impacted by Anglican missionary efforts. American and British families—the Eatons, Kents, Mobsbys, and Sorzs—acquired the lands comprising Xákmok Kásek between 1931-1959 and formed the ranching company *Eaton y Compañía* which is still in operation. The proprietors of *Eaton y Compañía* had ties with the Anglican Church and allowed

---

<sup>42</sup> I draw the idea of *La Herencia* communities as “labor camps” from Rodrigo Villagra-Carrón’s testimony as an expert witness in the Yakye Axa Indigenous Community vs. Paraguay case before the Inter-American Court (IACHR 2005, 18). Renshaw (2002) notes that through the 1990s there were nearly no employment opportunities other than working on cattle ranches in this region. The situation has changed little since the time of his writing.

missionaries to establish the Campo Flores mission substation in the area of Xákmok Kásek in 1939 to pacify and convert local Enxet and Sanapana (Villagra-Carrón 2014). The Yakye Axa and Sawhoyamaxa communities have been subject to missionary activities and cattle ranching much longer than the Sanapana and Enxet of Xákmok Kásek. As noted earlier, the Anglicans established a cattle ranch and mission-station called The Pass in 1901, which happens to lie in the heart of Yakye Axa territory. In the 1950s the Anglicans abandoned The Pass, citing that the ranch was no longer economically viable to operate (Anglican Church 1977). The area was subsequently subdivided and has been sold many times to ranchers who operate(d) the Loma Verde, Maroma, and Ledsma ranches (Kidd 1992; IACHR 2005). Sawhoyamaxa was also well within the Anglican's core area of influence with the mission's main supply lines cutting through the center of the community's historic territory. Like Yakye Axa, the land encompassing the Sawhoyamaxa territory was purchased by British investors in the late 1800s and has since changed hands many times (Kidd 1992).

The Sanapana and the Enxet people that comprise these communities were historically nomadic, with livelihood strategies based on mobility. Before the establishment of the cattle ranches, the Chaco was "open" to the movement of indigenous peoples. The establishment and imposition of private property regimes "closed" these spaces by limiting movement, accomplished by the physical alteration of the land and specifically the construction of fences (see also Kidd 1992; Leake 1998; Villagra-Carrón 2010). Andrew Leake's expert witness testimony to the Inter-American Court of Human Rights described the broad trend of enclosure in the following terms:

The fencing in of the fields, together with the authority of the new owners, who enjoyed the support of government officials, had the effect of restricting, and eventually stopping, residential mobility [of indigenous peoples]. The last hunting grounds reserves of the Enxet were fenced in at the beginning of 1940 (IACHR 2006, 18).

Dispossession is not a uniform process and has occurred in different ways across Enxet and Sanapana territories due to different landholders and their approach to indigenous peoples. In some cases, indigenous communities were dispossessed to the margins of the ranches and in other cases family groups would move from one enclosed area to another, joining with extended family groups or turning to the Anglican missions for refuge (Kidd 1998; IACHR 2005, 2006, 2010). In other cases, such as with Xákmok Kásek and the Estancia Salazar, the ranch owners “ordered the indigenous into different villages in the area to integrate and go live near the core of the ranch in order to have more control” over the indigenous population (IACHR 2010, 24; see also Renshaw 2002). Maintaining indigenous populations on the ranches created a reserve of readily available and cheap labor. Ranches that enclosed indigenous communities were common across the region.

Figure 6 shows the prevalence of cattle ranches that had enclosed Enxet, Sanapana, and Agaité indigenous communities on them through the 1970s. The small crosses depicted on the map indicate sites where Anglican religious ceremonies were regularly practiced, showing the lasting impact of the missionary efforts and their relations with cattle ranching throughout the study area. Each of the claimant communities had been situated on ranches for at least fifty years prior to being dispossessed from those ranches because of their land claims. The ranches where Yakye Axa, Sawhoyamaya, and Xákmok Kásek were located appear on the map as “Loma Verde,” “Maroma and Loma Porã,” and Zalazar, respectively.<sup>43</sup>

---

<sup>43</sup> At the height of their extent, *Eaton y Compañía* ranches once covered approximately 110,000 hectares, *Grupo Liebig*’s just over 60,000 hectares, and *Loma Verde* 18,000 hectares.

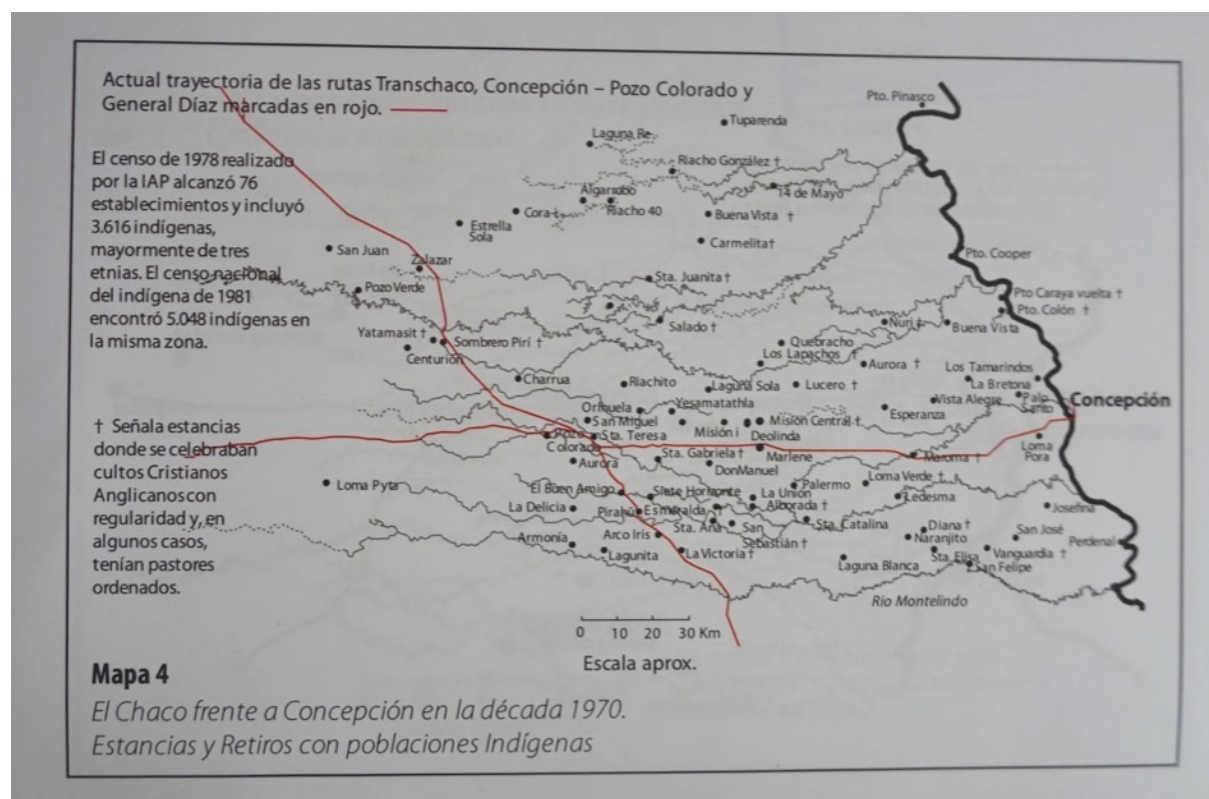


Figure 6. Map depicting all the cattle ranches in the study area with indigenous communities situated on them during the 1970s. Every black circle depicts an indigenous community on a ranch. The map gives a clear picture about the extent of this practice in recent time (Powell 2007, 81).

The ranches and the spaces near them were effectively turned into labor camps with tacit Paraguayan state support (Chase-Sardi, Brun, and Enciso 1990; Kidd 1997). According to former Anglican missionary turned *indigenista* anthropologist, Stephen Kidd:

By the 1950s the landowners' [i.e. cattle ranchers] control of Enxet territory was total and the Enxet themselves had been almost entirely deprived of their freedom. They could only reside where they were given permission to by the owner of the land and were therefore restricted to villages next-door to the Paraguayan ranch settlements. Economically, they were completely dependent on the will of the landowners who severely restricted their freedom of movement and frequently denied them permission to hunt, gather, fish, garden, or keep livestock (1992, 67).

Labor conditions on the cattle ranches were generally terrible (Renshaw 2002).

Numerous reports from the late 1980s-early 2000s document that members of Yakyé Axa,

Sawhoyamaya, Xákmok Kásek among many other communities in the region, did not know how

much money they made or if/when they were paid (Chase-Sardi, Brun, and Enciso 1990; Kidd 1997; Tierraviva 1998; IACHR 2005, 2006). Ranch owners often only provided minimal amounts of food for laborers:

According to them [members of the Sawhoyamaxa community], the owner paid them every Christmas. Apparently, they worked “independently”, and received the following weekly provisions for free: half a kilo of *locro* (corn), half a kilo of tapioca flour, half a kilo of beans, half a kilo of salt and half a kilo of yerba mate. They were also given the remains of slaughtered animals.<sup>44</sup>

People from all three communities reported memories of these conditions to me when we discussed what life and laboring on the ranches was like. The problem of food scarcity was a regular concern. My interlocutors reported that the amount of food they received on the ranch was wholly insufficient and they had to augment their nutritional needs by hunting, fishing, and foraging for fruits and foods in the forest on ranchlands. Some explain hunting and fishing on the ranches as a “natural” continuation of the “hunting and gathering” lifestyle (Kidd 1992; Leake 1998). Based on what I have read and heard over the course of this study, I understand hunting and fishing as a necessary survival strategy employed in the face of rampant discrimination on the ranches. Many Enxet and Sanapana who I spoke with love to hunt and fish, but many also said that if they do not hunt or fish their family will have nothing to eat.

The use of ranch-owned and operated stores that provided goods for credit was common practice that effectively locked indigenous laborers into relations of indentured servitude via undisclosed prices and ambiguous wages (Chase-Sardi, Brun, and Enciso 1990; Renshaw 2002; UN 2015). If ranchers paid wages, the funds were almost always at least fifty-percent less than a

---

<sup>44</sup> Excerpt of witness testimony given by Paraguayan National Deputy (akin to U.S. Congressman) Martín Sanneman to the Inter-American Court regarding the Sawhoyamaxa case (IACHR 2006, 14).

non-indigenous worker received who may be present and working on the ranch (Kidd 1997; Tierraviva 1998) Moreover, the terms of employment did not adhere to national labor laws requiring set hours, time off, and the payment of statutory year-end bonuses (Renshaw 2002; UN 2015). Education opportunities were scant, as was knowledge about labor laws or rights until indigenous rights activists began conducting outreach to Enxet and Sanapana peoples in the mid-to-late 1970s (see Chapter Two). Though variable from ranch to ranch and often contingent on particular ranch administrators, these were common working conditions for indigenous peoples who made up the vast majority of the labor force working on the cattle ranches across the Chaco (Kidd 1997; Renshaw 2002; UN 2015).

The details of each case are distinct; and yet the Yakyé Axa, Sawhoyamaxa, and Xákmok Kásek communities share a common history with the process of enclosure, dispossession, and labor relations on the ranches where they came to live. A defining aspect of the Yakyé Axa, Sawhoyamaxa, and Xákmok Kásek struggles is that they all center on reclaiming land that had been enclosed and converted to private property for the expansion of cattle ranching. Indigenous territorial claims across the Americas are commonly either in defense of territory (see e.g. Escobar 2008) or for efforts to demarcate property rights within “empty” spaces (see e.g. Offen 2003). But the three Enxet and Sanapana claimant communities are in direct opposition to the power of the cattle ranching industry and seek to reclaim either the entirety or large portions of existing cattle ranches. The land claims directly challenge the historic political economic and territorial power of cattle ranchers in the bajo Chaco.

### **Placing the Chaco, (dis)placing the Enxet and Sanapana**



That the bajo Chaco exists in its present form as a site of intensive cattle-ranching has as much to do with the cartographic imaginaries of the late 1800s as it does with the quotidian practices of the cattle ranching industry and the everyday labor of Enxet and Sanapana peoples. Although Caterpillar tractors, not indigenous people with machetes, are now leveling the northern Chaco forest at an alarming rate today, indigenous peoples are often those employed by the ranchers seeking to make new cattle grazing lands. Many of my Sanapana and Enxet interlocutors from Xákmok Kásek proudly told me that they had a son, brother, or cousin who was “*ivale*”<sup>45</sup> because he knew how to operate tractors or was skilled on horseback and played an important role on cattle ranches. In other words, indigenous people have long been employed to convert land and produce the space for colonialism, capitalism, development, and the state.<sup>46</sup> Cattle ranching has been the most significant capitalist enterprise that has shaped the bajo Chaco.

Cattle ranching reterritorialized the Chaco. The Anglican missionaries played a key role in this process through their efforts to produce a docile, self-governing, indigenous labor force. The residue of the Anglican efforts is still felt today in the *La Herencia* settlements that have become labor camps for surrounding ranches (Kidd 2000). The contemporary expression of cattle ranching in the bajo Chaco maintains indigenous dispossession and labor exploitation (UN 2015). I am not stating that the Anglican Mission directly produced the current state of indigenous affairs in Presidente Hayes, but the influence of the Mission in the specific areas of the Yakye Axa, Sawhoyamaya, and Xákmok Kásek is significant. Self-governing indigenous

---

<sup>45</sup> Literally, “one who has value.” As presented, the word means that the person is highly skilled and good at his/her job—i.e. driving tractors.

<sup>46</sup> See Kidd (1992), Renshaw (2002), Blaser (2003), Unruh and Kalisch (2008), Richard (2008), Villagra-Carrón (2010), Bonifacio (2013), Villagra-Carrón and Bonifacio (2015), Canova (2015) for informative accounts about indigenous labor.

peoples still labor on cattle ranches that operated on the same space where the Anglican missionaries first established “The Pass”—now called Maroma.

The Paraguayan state territorialized the bajo Chaco using the infrastructure and influence of Anglican Mission and the cattle ranching industry. Rather than the Paraguayan government conscripting the Mission to territorialize the region, I have suggested that the Paraguayan government allowed missionaries and ranchers to operate in the bajo Chaco to tacitly advance the state’s goals of placing the Chaco within its sphere of influence. Doing so allowed the Paraguayan state to be present in the Chaco through the presence of other pseudo-state actors and foreshadows an analysis of the “state effect” (Mitchell 1991) I discuss in Chapter Three.

The manifestation of cattle ranching in Presidente Hayes should be understood as a conjuncture of historic political economic and socio-spatial. Contemporary property rights in the bajo Chaco would be significantly different if not for the Chaco land sale and later collapse of the tannin industry. The near total privatization of the Presidente Hayes Department, reliance on pseudo-state actors to colonize the region, and biophysical characteristics collectively created the conditions whereby virtually all land in the bajo Chaco is now used for cattle ranching. Cattle ranching has produced a lasting socio-spatial order that influences contemporary indigenous-state affairs and power relations. Wainwright argues, “capitalism qua development has proven to be fundamental to the very ordering of the world” (2008, 13). I agree.

This chapter illustrated that cattle capitalism created a new socio-spatial order that placed the Chaco in Paraguay. The simultaneous act of (dis)placing indigenous peoples within the bajo Chaco and the Paraguayan state was part and parcel to the new gridded spatial ordering and expansion of private property. The expansion of capitalist practices and missionary work in the service of British capitalism, helped place the Chaco the national Paraguayan imaginary. These

acts also expanded the state's territory through representational, lived, and perceived practices and the everyday labor of indigenous peoples (see Brenner and Elden 2009). The actual production of the bajo Chaco space as such was based on the lives and labor of countless indigenous peoples who have turned something "natural" into the space of the state. In the process, they have played a central role in placing the Chaco firmly within the Paraguayan state, all the while themselves being (dis)placed within that space.

The (dis)placement of the Enxet and Sanapana mapped onto Marxian notions of primitive accumulation, but is distinct because many people were dispossessed in place. The debate about how fixing people *in place* rather than removing *from place* can be considered a form of dispossession is lively (see Moore 2005; Li 2010a, 2010b). Stricter interpretations of Marx's work suggest that dispossession is a process of proletarianization whereby peasants are stripped of the ability to maintain their own reproduction due to different forms of enclosure (Glassman 2006). I do not suggest otherwise. The notion of dispossession *in place* suggests that a person or group has been denied access to lands they historically used by limiting their mobility. In the case of the bajo Chaco, dispossession in place meant fixing Enxet and Sanapana peoples on their ancestral lands but denying them access to the range and extent of territory they previously used and controlled prior to colonization. I maintain that Enxet and Sanapana were (dis)placed on their own lands and in the space where they had helped create the Paraguayan state—the cattle ranches. If not through their labor and life on the ranches, (dis)placement occurred through the way that ranches reterritorialized the bajo Chaco, creating a region where indigenous peoples are often literally on the margin, but central to that productive system.

## CHAPTER TWO

### Becoming indigenous: From labor rights to indigenous rights

The Enxet and Sanapaná had long been a largely invisible social group, despite the central role they played in materially transforming the Chaco and working on cattle ranches. Labor exploitation was rampant on cattle ranches across the Chaco and indigenous dispossession the norm, not the exception (see Chase-Sardi, Braun, and Enciso 1990; Kidd 1997, 2000; Tierraviva 1998). Anglican missionary efforts to create self-governing indigenous laborers contributed to the prevalence of extreme labor exploitation across the bajo Chaco by encouraging the use of indigenous labor on cattle ranches. *Indigenistas* began concerted campaigns to focus attention on the deplorable state of indigenous affairs in the 1960s and 1970s, both within Paraguay and internationally. Concern for indigenous rights in Paraguay grew alongside region-wide debates about social justice, multiculturalism, and democratic reforms (see Sieder 2002). In Paraguay, *indigenistas* and advocates of social justice denounced the widespread exploitation of indigenous peoples and began to spread the language of rights through education initiatives (Chase-Sardi, Braun, and Enciso 1990; Renshaw 2002; Blaser 2010). Spreading the language of rights was a new form of missionary activity that focused on terrestrial liberation rather than soul salvation. The political possibilities associated with rights inspired new forms of political mobilization and the emergence of indigenous political subjectivities.

As we saw in Chapter One, Enxet and Sanapaná labor on the cattle ranches and in

Anglican missions produced the spaces for cattle ranching and the state in the bajo *Chaco*. In this chapter, I show how the socio-spatial relations created by cattle ranching opened new sites for indigenous subject formation to emerge, forged in part by a new form of *indigenista* missionary work but also by new legal protections for indigenous peoples adopted during Paraguay's multicultural turn. I think through the process of how indigenous subject formation has taken place through the accounts and memories of key Enxet and Sanapana informants. I read Paraguayan law in concert with ethnographic accounts from interlocutors to understand the operation of power vis-à-vis the governance of indigenous lives.

I argue that Enxet and Sanapana have “become” indigenous through their changing relationship with the state, mediated by law and civil society actors promoting rights as the vehicle for social justice. My analysis reveals the conditions by which Enxet and Sanapana peoples gained what Arendt (1968) called the “right to have rights.” For many Enxet and Sanapana people I spoke with, the realization that specific bodies of rights existed, let alone that they had a right to rights, was a threshold marking a key moment in subject formation. Rights helped Enxet and Sanapana people reimagine their relationship with the sovereign power of cattle ranchers and the state. The right to have rights also changed how Enxet and Sanapana imagined themselves and their role within the Paraguayan state. I am not suggesting a linear or teleological progression to the right to have rights. I am examining the conditions through which rights emerged and how members of the claimant communities began to use those rights to advance their political claims, first for better labor conditions, then to land.

The title of the chapter, *Becoming Indigenous*, explicitly challenges essentialist notions of indigeneity as a stable subject position or identity. Rather, I view indigeneity as dynamic and

open to articulation in distinct ways by different actors to advance varying political agendas<sup>47</sup> (see e.g. Ramos 1998; Tsing 1999; Braun 2002; Watts 2004; Li 2000; Bryan 2009; de la Cadena 2010). I am intentionally vague because I do not seek to define or police what is or is not indigenous. As Yeh and Bryan suggest, the “open-ended qualities,” mutability, and wide circulation of the term indigeneity lend room for self-determination and mobility, approximating its potential to enliven new futures” (2015, 531). Indigeneity is a concept that is in constant negotiation, not a static state nor a permanent condition of being, but contingent and relational process of becoming (see Merlan 2007 and also Bessire 2014). The dialectic tension linking the two—being and becoming—makes indigeneity a powerful political tool that evokes different meanings and political consequences (de la Cadena and Starn 2007; Yeh and Bryan 2015). The concept articulates problematic ideas of an essential “self-contained entity, that is, as reality out there” (Blaser 2010, 32) but also a dynamic social relation that is in a constant state of negotiation and possibility (Li 2000; Yeh 2007; de la Cadena and Starn 2007).

My emphasis on the dialectic of indigenous being and becoming draws in part from Blaser’s work in *Storytelling Globalization from the Chaco and Beyond* (2010). Blaser considers the creation and circulation of “authorized” imaginations of indigenous peoples in relation to development and in the law. His analysis situates the transformation of *indians* to *indigenous peoples* through a mapping of development interventions and their correspondent discourses over time, showing relationships between indigeneity and modernity. Blaser argues against reified conceptions of what/who is indigenous and argues for a relational understanding of indigeneity,

---

<sup>47</sup> The literature on this topic is too vast to comprehensively review here. I flag some of the works that have been particularly helpful in the development of this project.

highlighting the contingency of the concept, its temporality and mutability (see also Yeh and Bryan 2015). I build from Blaser's approach with a focus on how the milieu of labor exploitation and cattle ranching set the stage for the Enxet and Sanapana claims to indigenous rights.<sup>48</sup> I show that in the Enxet and Sanapana cases indigeneity is articulated in distinct, sometimes seemingly contradictory ways: at times as the product of labor exploitation and in relation to the political economy of ranching while at other times as the expression of cultural difference. Each of these imaginations, grounded in a material history and present, serve as powerful political tools that the Enxet and Sanapana have harnessed to drive their legal struggles.

There is a vital difference between a critique of the *concept* of indigeneity and of indigenous peoples (Yeh and Bryan 2015). This chapter offers a critical analysis of specific articulations of indigeneity to understand the fields of political possibility it has opened and/or foreclosed for Enxet and Sanapana peoples. My intent is to think with articulations of indigeneity that Enxet and Sanapana peoples expressed and/or performed through their legal and political struggles. The members of Yakye Axa, Sawhoyamaya, and Xákmok Kásek self-identify as indigenous and I work with and from the ways that they expressed what being indigenous meant to them in the time and spaces we shared. Thus, I *think with* the concept of indigeneity to better understand the power relations that the concept embodies and the political ends it serves in Enxet and Sanapana struggles for land rights. This chapter continues my analysis of indigenous labor on bajo Chaco cattle ranches because there is a clear historical trajectory in the evolution of rights: from labor to indigenous.

---

<sup>48</sup> My argument and analysis in this chapter is also influenced by Anthias (2016).

**“*Marandú* changed everything”**

Beginning in the mid-to-late 1960s, Paraguayan *indigenistas* began to advocate at national and international scales to develop new frameworks for indigenous rights.<sup>49</sup> Within Paraguay they educated indigenous peoples about the existence of rights and how to articulate claims before the state with an evangelical approach. That is, some *indigenistas* traveled from community to community, setting up shop for one to two weeks at a time to host workshops, cultivate leaders, and teach people the language of rights. The *Marandú* Project is the exemplary *indigenista* venture that began to change the relationship between indigenous peoples, the Paraguayan state, and ranchers. *Marandú* opened new fields of political possibility and articulations of indigeneity through the language of rights.

*Marandú* means “information” or “news” in Guaraní. The core goal of the *Marandú* Project was to spread information about rights to indigenous communities across Paraguay (Chase-Sardi and Colombres 1975). Paraguayan anthropologist Miguel Chase-Sardi attended the 1971 Symposium on Inter-Ethnic Conflict in South America, helped draft the Declaration of Barbados, and was one of the founding signatories calling for the “liberation of the Indians (sic)” across the Americas. After the symposium, Chase-Sardi returned to Paraguay and began to spread the news, forming the *Marandú* Project hosted by the Catholic University’s Center for Anthropological Studies (CEADUC). He and a small group of assistants traveled across

---

<sup>49</sup> See Horst (2007), Blaser (2010), Bessire (2014), Villagra-Carrón -Carrón (2015) for useful discussions of these dynamics as well as Chase-Sardi and Colombres (1975); Kidd (1997); Renshaw (2002).



Paraguay between 1972-1975 to educate indigenous peoples about their rights, cultivating leaders who could advocate on behalf of their communities (Renshaw 2002; Horst 2007).

Trainings and workshops generally lasted one to two weeks (Bonifacio 2013).<sup>50</sup>

*Marandú* drew from the Declaration of Barbados and Paraguayan labor law because a specific body of indigenous rights jurisprudence did not exist in Paraguay at that time. Chase-Sardi used *Marandú* to connect the struggle for indigenous rights in Paraguay with burgeoning international efforts to do the same. He gained support of the Inter-American Foundation as well as the International Working Group on Indigenous Affairs (Renshaw 2002; Blaser 2010). Chase-Sardi's focus on labor was immediately pertinent to indigenous laborers on the bajo Chaco cattle ranches.

A particularly memorable conversation with one of the Xákmok Kásek community leaders, Marcelino López, brings the significance of the *Marandú* project into sharp focus. Marcelino was young, strong willed, and savvy in Spanish when he was chosen to co-lead the community along with three other young men. Renowned for being the most “*mbarete*” (strong-willed)<sup>51</sup> leader of the four, Marcelino played a key role during the community's nearly thirty-year struggle for land rights. Using newfound language of the law and indigenous rights along with the support of *indigenistas*, he represented Xákmok Kásek in national struggles and international fora from the United Nations to the Inter-American Court.

Now in his fifties, Marcelino is physically strong from years of manual labor on cattle

---

<sup>50</sup> More complete histories of the *Marandú* Project have been written by other scholars that I do not intend to reproduce (see e.g. Horst 2007; Blaser 2010).

<sup>51</sup> *Mbarete* literally means strong. Someone who is “*mbarete*” is physically strong or strong smelling. When used in reference to personality the word commonly connotes “strong-willed” (akin to the Spanish word *prepotente*).

ranches, but also shows the wear of that labor on his scarred, calloused hands and in how he walks. Forged through years of laboring on cattle ranches, advocating for his community, and learning hard lessons about the limits of indigenous rights, Marcelino is strong-willed and opinionated. He often looks you directly in the eyes when he speaks—holding your gaze as he makes specific points he wants to ensure you understand—and never seems to hold back.

One November afternoon, Marcelino and I sat on broken school chairs outside of the small schoolhouse at 25 de febrero drinking *tereré*, swatting mosquitos, and talking through oscillating waves of cicada song. I anxiously watched storm clouds building on the horizon as the humidity climbed palpably, accompanied by swarms of mosquitos and the interminable Chaco heat. Marcelino laughed as he watched me. He knew the prospect of rain made me nervous. The shrill, electric, and at times deafening scream of unseen cicadas, something Kerr described akin to a train whistle (1950, 25), did little to calm my nerves. When it rains, the fifty-kilometer dirt road turns to mud slick as wet ice and can render travel impossible for a day, or weeks at a time depending on the severity of the thunderstorm. Marcelino and I had been trying to have this meeting and conversation for about ten months. Yet, due to a series of events—principally rain, road conditions, Marcelino’s work on the ranch he maintains, and my commitments in different communities—finding a time to sit down for an interview had been challenging. The rain threatened to cut our opportunity short. Still, we sat, drank *tereré*, swatted mosquitos, and talked like the rain would never arrive. He reflected on the *lucha*, how it began, and his role in the land claims:

*Marandú* changed everything. Before that we just worked and lived on the ranch [Estancia Salazar]. We did not know that we had rights—we did not even know what rights were.... Then [Miguel] Chase-Sardi came with *Marandú* and he did capacity building workshops. He taught us about the law and what rights were, that we had labor rights, and that the ranchers had to respect them. I learned a lot from Chase-Sardi. I listened and watched and really listened. I thought about it and understood what he was

saying. It took a while though.

[Laughing and shaking his head.] We were crazy/stupid [*tavy*]<sup>52</sup> before, but then we learned we had rights and that they had to give us better working conditions. Later, things changed and we learned about other rights... We didn't even know what territory was!

We didn't know about ancestral territory, but we learned about it and that we had rights to it. Then we demanded the state give us our land back. That is how the *lucha* began. Chase-Sardi taught us about rights and so we tried to get better working conditions, then Esteban Kidd taught us about land rights, [law] 904, and we decided that we should fight to get our land back. That is when I became a leader of the community.<sup>53</sup>

Marcelino's commentary flags key moments in an emergent indigeneity that has been built through contestation, political mobilization, and negotiation—an identity and political positioning that is still changing. For he and many others from Xákmok Kásek, lessons learned from *Marandú* marked a critical threshold, a clear “before and after.” There was no reversion to a condition without rights after learning the language of rights and beginning to think of their political potential. The notion of rights provided hope and a tool Enxet and Sanapaná peoples could, and did, use to change their relationship with ranchers and the state. No one else that I interviewed made the same equation about the *Marandú* Project as Marcelino, that it “changed everything.” However, many Enxet and Sanapaná interviewees referred to “*ore*”<sup>54</sup> *derecho*” (our rights) as something closely related to a sense of their identity. In other words, being indigenous was often discussed in equation with a bundle of rights, with land rights central to that equation.

The language of rights articulated by my Enxet and Sanapaná interlocutors is bound with

---

<sup>52</sup> *Tavy* has various connotations in Guaraní, but is generally used as “crazy” or “stupid.”

<sup>53</sup> Recorded interview: November 21, 2015.

<sup>54</sup> In Guaraní “*ore*” is the word for “we” exclusive. *Ore* signifies only the group associated with the speaker. Saying “our law” in this context means the law of/for the indigenous peoples, exclusive of non-indigenous people.

narratives about historic debts and a sense of reclaiming what is due. These sentiments were often expressed in relation to labor exploitation, dispossession, and the suffering of community members caused by the (in)actions of the Paraguayan state or cattle ranchers. Many people in Yakye Axa, Sawhoyamaxa, and Xákmok Kásek shared the idea that rights and hearing the news/information (*marandú*) opened a new reality, way of being, and field of political possibility.

Placing Marcelino's words in relation with another person from the community—Eulalio—further nuances the notion of “becoming indigenous” by way of rights. While labor exploitation on ranches was a common theme people discussed with me in Yakye Axa and Sawhoyamaxa, this was a regular point of discussion in Xákmok Kásek. Eulalio and I sat in the shade of an *algarrobo* tree drinking *tereré* in an area Xákmok Kásek community cleared to host meetings. The *retiro* that was still occupied by “*Yakare*,”<sup>55</sup> one of the *Eaton y Compañia* staff who refused to leave, stood some 200 meters away. As we looked out from below the trees, Eulalio gestured toward the *retiro* and beyond with his hand, slowly tracing a path in the air to the location he was talking about. He recalled times working on the ranch to plant peanuts, clear pastures, and build the *retiro* we looked at as we spoke. At one point, he shook his head slowly, recalling:

I remember working with my dad on the ranch... They [the ranchers] just used up the indigenous. They did not give us food. A tiny amount of yucca flour and a cup's worth of yerba mate for the whole day. We'd work 12, 16, sometimes 18 hours putting up fences, riding horses, whatever. Hard work [*trabajo pohy*].

When we'd get back we'd be so hungry. Then they would give us a little more food, or sometimes we'd eat something we killed [an animal] while working. We worked like that

---

<sup>55</sup> *Yakare* means caiman in Guaraní and is this person's nickname. I never heard anyone refer to him by another name.

day after day. If you got sick, there was no doctor. You laid in bed. If you died, you died...

There was no holiday, barely any pay, nothing. That is the way it was. They just used up the indigenous. That is what you call slavery. We were basically slaves until we learned we had rights.<sup>56</sup>

Eulalio's account does not require extensive analysis to unpack its import or salience to the present discussion. His words are a strident critique of life on Estancia Salazar and testimony to the living conditions and exploitation that indigenous peoples endured while working on the ranch.<sup>57</sup> His narrative was one that I heard many iterations of from people in Xákmok Kásek. The details about the amount and quality of food never changed, nor did the issue of the lack of health care. I include the quote because Eulalio evokes the subject position of the slave, a human treated as commodity or object whose value is use value. His equation of life and the labor conditions on Estancia Salazar as akin to slavery underscore the complete denial of rights. Unlike Marcelino's suggestion that the community was "crazy/stupid" for not knowing about rights, Eulalio's words emphasize a shift from the absence to the presence of rights. Learning about rights is a key experience, an experience I interpret that signified a change in subjectivity. "*Marandú* changed everything" because people from Xákmok Kásek learned the language of rights and the new political horizons that they promised. Rights helped define indigenous people

---

<sup>56</sup> Interview: January 20, 2016.

<sup>57</sup> Ranchers often refute that indigenous peoples were mistreated on the ranches. Roberto J. Eaton, son of the founder of Estancia Salazar, vehemently denies that he or his family ever mistreated the people of Xákmok Kásek for the nearly sixty years they lived on his ranch (personal communication October 2015 and noted in his amicus brief to the Inter-American Court). However, everyone from Xákmok Kásek that I spoke with about this topic unanimously reported that abuses did occur, particularly in the form of extreme labor exploitation. People from Yakye Axa and Sawhoyamaya recalled similar histories in relation to the ranches where they lived and worked (see also Chase-Sardi et al. 1990; Kidd 1992, 1997; Tierraviva 1998). Renshaw (2002) notes that this was common practice on cattle ranches across the Paraguayan Chaco.

as a specific subject in relation to the state—first as exploited laborers and later as indigenous peoples.

*Marandú* was a germinal moment that helped many Enxet and Sanapana learn to recognize themselves as rights-bearing subjects due to their role within the political economy of the ranching system. Subject formation is a dynamic process, never ossified but always changing in relation to emergent forms of knowledge and power (see e.g. Foucault 1990). Enxet and Sanapana self-recognition as subjects of rights gradually changed with new discourse and domestic laws that defined indigenous peoples as a social group privy to special protections in the law (see also Yeh and Bryan 2015). Imparting the idea that alterity—be it socio-economic or culturally—in relation to the rest of Paraguayan society is key to having rights was, perhaps, the most significant change the *Marandú* Project spurred. The new awareness about the political possibility of rights maps on to Arendt’s notion of “the right to have rights” (1968).

### ***The right to have (indigenous) rights***

The right to have rights is a claim to membership within a community of rights-bearing subjects within a state (Arendt 1968). Recognizing the right to have rights is therefore a recognition of political subjectivity vis-à-vis a state. Marcelino and Eulalio both suggested that learning about rights was a threshold that changed them. I am not suggesting that Enxet and Sanapana did not disdain labor exploitation, the living conditions on the ranches, or the enclosure of the bajo Chaco prior to learning about rights. What I am suggesting, however, is learning that of a right to have rights facilitated an emergent indigenous political subjectivity among the Enxet and Sanapana who I worked with. Recognition of the right to have rights changes one’s subject position vis-à-vis those who delimit and have sovereign authority to authorize and enact or deny rights—in this case the Paraguayan state. The very act of writing political rights and enshrining

them in the law is an act that defines the who or what the subjects of such rights are. Political rights suggest knowledge about the subject of rights. Political rights also express the ability to protect and/or expel from protection and are intimately bound with the operation of power.

Arendt's (1968) work is useful to my analysis of indigeneity because *becoming indigenous* was fundamentally linked to a dual recognition of the right to have rights. One form of recognition is made by a state defining rights for a particular population. In the case of Paraguay I am specifically referring to indigenous rights enunciated in Law 904/81 and Chapter Five of the 1992 National Constitution. The second is the self-recognition of a population who comes to see itself as the subjects of political rights and membership as citizens within a state, in this case Paraguay. Rights constitute the power of citizens and the subjects of rights, but they also ultimately constitute the power of the state as the arbiter of rights and authority to uphold or deny rights (Lund 2016).

But what are rights and where do they come from? Debates addressing this question are extensive and vary greatly based on disciplinary foci and approaches (Goodale 2007). The notion of rights has a long history that I eschew detailing here, but instead focus on two primary ways of knowing rights that influenced the direction and form of human rights and later indigenous rights. First, is the notion of natural rights derived from natural law or the idea that rights are based on a "natural" order of the world which presides from the rationality and morality of humans. The ontology of natural law thus suggests that there is an intrinsic moral and proper order to the world from which rights emerge. While theories of natural law assert that rights are intrinsic, political rights, on the other hand, bind rights to citizenship (see Arendt 1968; Agamben 1998; Somers and Roberts 2008; Lund 2016). Both forms of rights—natural and political—emerge from assumptions about morality and the principles that emerge from a liberal

conception of the human subject. I am concerned with political rights, however. The Enxet and Sanapana seek political rights through their struggles before the Paraguayan state and the Inter-American System.<sup>58</sup>

For the purposes of this study, I draw from critical social science approaches to understanding and framing rights as social relations rather than “things” people have or do not (Somers and Roberts 2008). Viewing rights as relational practice helps reveal how power operates through rights and it helps expose how the subjects of rights use rights as political tools (Goodale 2007). As Somers and Roberts (2008, 413) argue:

Rights can ... be seen as subject positions; a right is a necessary place in a complex configuration of relationships and institutional arrangements. Rights—whether human or citizenship rights or other kinds—are the label we use to characterize certain kinds of social arrangements. To move the focus of rights away from what the individual possesses to the individual’s position in a fluid network of social relations is to begin to construct the social foundations of rights.

Arendt’s (1949) work outlines a strong critique of the notion of natural rights, instead arguing that the promise of rights is only truly open to citizens who are protected by the country to which they belong, arguing that without citizenship rights cease to have power (see also Agamben 1998; Benhabib 2004; Somers and Roberts 2008). In this way, I read Arendt’s argument as one that also suggests that rights are relational in a different way—contingent upon a relation to a political state as well as the community of citizens of that state. Thus, the right to have

---

<sup>58</sup> The body of political rights that most influence the Yakye Axa, Sawhoyamaya, and Xákmok Kásek cases are universal conceptions of human rights outlined in the American Convention on Human Rights. Inter-American Court judges decide the cases they hear by evaluating those cases against the rights outlined in the American Convention, while also considering the positive law of the petitioning party’s country. Other pertinent jurisprudence is also used to argue and decide on each case. Therefore, the trio of Paraguayan cases I investigate in this dissertation closely articulate to the universal notions of human rights enshrined in the United Nations Universal Declaration of Human Rights.



indigenous rights (to turn a phrase from Arendt) is first predicated on being a Paraguayan citizen and second on being a specific citizen-subject: a self-identified indigenous person who is part of an indigenous community.

It is important to flag different meanings of the word *right* in Arendt's construction before moving further. In the words of Benhabib (2001, 16), "what is invoked here is a moral claim to membership and a certain form of treatment compatible with the claim to membership." The right to have rights is therefore the right to be included with a community of rights bearing subjects, in this case indigenous citizens of the Paraguayan state. Seen in this light, I suggest that the right to have rights embodies three practices critical to subject formation and indigenous political subjectivity: awareness, articulation, and actuation.<sup>59</sup>

The *Marandú* interventions and eventual creation of specific indigenous rights in Paraguay brought about a new form of self-awareness expressed in the language of rights and changes in juridical-political subjectivity. Fundamentally, one must first recognize that rights exist and that one is the subject of rights to articulate rights. Hall's (1996) usage of the dual character of articulation—an act of vocalization and/or connection—is useful here because an awareness of rights entails the act of articulating rights. Through the act of claiming to have rights, the rights-bearing subject is simultaneously declaring awareness of those rights and connecting to a political-juridical system created to ensure those rights (Benhabib 2001). Actuating rights is the third leg of the triad requiring actions to claim rights in an attempt to transform de jure rights into de facto rights. Building from Arendt (1968), Hamacher provides a

---

<sup>59</sup> While I am aware that the framing of "awareness, articulation, and actuation" can be read as a derivative of Marx's theorizations of class consciousness, that is not the argument that I am making. The three terms draw from the language and actions used by members of the claimant communities in their reflections on rights.

useful read of the important work the idea of “right to have rights” does:

The “right to have rights” is a right that gives rights their *possibility*, without, however, being, in any essentialist sense, the source of a gift. *The only reality that is laid down in this right is that of this very possibility*—of having rights, of using, transforming, and expanding them. It is the possibility offered to the existence of each and everyone, *whoever or whatever* he, she or it may be (2004, 354 my emphasis).

Hamacher’s analysis highlights the notion of possibility. Possibility is fundamental to the work that rights have done for Enxet and Sanapana peoples. Debates about rights opened a field of political struggle and possibility that Enxet and Sanapana peoples have used in efforts to make material changes in their living conditions. Marcelino’s comment about territory that I presented earlier in the chapter illustrates this: “We didn’t know about ancestral territory, but we learned about it and that we had rights to it. Then we demanded the state give us our land back.”

Across all three research sites, community members regularly proclaimed their rights to ancestral lands and territory during our interactions. Recuperating ancestral territory and land has been the central goal for the Yakye Axa, Sawhoyamaxa, and Xákmok Kásek communities. Marcelino said that they had been “crazy/stupid” because they did not know about rights or what territory was prior to learning about these concepts from *indigenistas*. I disagree. The issue Marcelino raises is not a question of stupidity, it is a question of conceptual and political possibility. There simply had not been the language to articulate rights and connect to a specific body of rights that would create the political and legal tools necessary to change the situation. This is not to say that indigenous peoples laboring on cattle ranches did not object to their treatment, nor desire different relations with ranchers. However, many claimant community members did express that prior to learning about rights from *indigenista* interventions they felt that there was no form of recourse to act on desires to change the situation and relations. Upon learning that specific bodies of rights existed, Enxet and Sanapana peoples used the language of

rights to demand that the situation on the ranches and relations with the Paraguayan state change.

### **Indigenous rights and the possibility of taking back the land**

How did the right to have rights become a political and conceptual possibility? I suggest that the emergence of indigenous rights in Paraguay shares a close relationship with labor rights, as evidenced by the influential *indigenistas* involved in the *Marandú* project. The role of that the International Labor Organization (ILO) has played in supporting indigenous and tribal peoples' rights also suggests a relationship between labor rights and indigenous rights globally. This linkage is made clear by the fact that the most significant legal mechanism to date that supports the rights of indigenous and tribal peoples originated with the ILO: the Indigenous and Tribal Peoples Convention 169. Nevertheless, the ILO has a contentious history in relation to indigenous peoples, once advocating for assimilationist policies then later reversing field in 1989 with the passage of Convention 169 (de la Cadena and Starn 2007, 8). The ILO Conventions 169 has become one of, if not the, single most significant binding legal mechanism to support indigenous rights globally (see Anaya 2009; Gilbert 2016). Other scholars have written analyses of the history of the ILO and its role in supporting indigenous rights so I do not rehearse those arguments again here (see e.g. Sieder 2002; Niezen 2003; Yeh and Bryan 2015; Gilbert 2016).

Nevertheless, I emphasize the fact that the landmark legal instrument to support indigenous rights was created by an institution with a mission to establish “labour standards, develop policies and devise programmes promoting decent work for all men and women” (ILO 2017) in the name of promoting social justice through labor and human rights. Though indigenous peoples can only appeal to the ILO for assistance or arbitration if they were members

of a labor union, Convention 169 is regularly evoked in legal arguments in favor of indigenous rights across the world (ILO 2009). Scholars have shown that notions of indigeneity are often founded on cultural and historic difference (see e.g. Li 2000; Tsing 2003), often excluding other rural peoples and peasants who may share similar life conditions and attributes with indigenous peoples from special legal protections. While this is certainly the case in many sites and situations, I suggest that a concern for labor lies at the heart of indigenous rights in Paraguay.

Enxet and Sanapana indigeneity can not be reduced to questions about labor, but the histories of labor exploitation and political claims based on labor rights are certainly important aspects of Enxet and Sanapana political subjectivity. My interlocutors also expressed notions of indigeneity expressly in the language of cultural difference. In this regard, being indigenous referred to specific practices, like hunting, fishing, eating particular foods, and interpersonal relations. Many Enxet and Sanapana who I worked with would cite “*ore cultura*” (our culture) as explanation for differences between indigenous and non-indigenous peoples. When people used the phrase “*ore cultura*” to declare their alterity, they commonly associated the phrase with the right to have rights to indigenous culture, land, and ways of being. As much as cultural difference is a part of Enxet and Sanapana indigeneity, so is the history of labor exploitation on the very cattle ranches that dispossessed them from their ancestral territories and ability to access land.

Indigeneity is clearly a heterogeneous category (de la Cadena and Starn 2007), that is mutable (Yeh and Bryan 2015), and constantly renegotiated in different political struggles and sites (Tsing 1999, 2003; Li 2000). That is hardly to say that indigeneity is and can be anything, but it is to say that indigeneity is a concept that is “contingent and without guarantees” (Yeh 2007, 93). Enxet and Sanapana indigenous political subjectivity is tied to a history of self-

recognition as subjects of labor rights and later indigenous rights, as well as the recognition of the Inter-American System and influence of the legal counsel each claimant community works with.

The relationship between labor and indigenous rights directly affects Yakyé Axa, Sawhoyamaya, and Xákmok Kásek indigeneity. The legal counsel for each community, Tierraviva, has evoked ILO Conventions 107 and 169 when litigating on behalf of these three communities before the Inter-American System (IACHR 2005, 2006, 2010). The Court's judgments on each of these cases references specific actions made by the Paraguayan state that violate provisions of ILO Convention 169. Other legal interventions preceded the use of Convention 169 and have greatly influenced the discourse and direction of the Enxet and Sanapaná cases.

*Indigenistas*, first advocating on behalf of labor rights for indigenous peoples, opened the door to lobbying for a specific body of rights based on indigenous cultural identity in Paraguay. Like broader regional trends, early *indigenista* interventions focused on the problem of labor exploitation to address issues of indigenous wellbeing (Postero and Zamosc 2006). Labor, exploitation, and development provided the lens through which indigenous affairs began to capture more widespread concern in Paraguay and across the region (Reed 1995; Kidd 1997; Blaser 2010). Recognized as far more than "mere resource conflicts" (see Coombes et al. 2012), *indigenistas* focused attention on cattle ranches as important sites to open debates about creating explicit indigenous rights due to widespread abuses and the exploitation of indigenous peoples across the country.

Labor rights were the principle tool available to advocate for better living conditions on the ranches during the era of the *Marandú* Project. The adoption of indigenous rights laws in

Paraguay posed a new political possibility that promised to reverse historic inequalities and wrongs. The laws created the possibility that Enxet and Sanapana peoples could take back the same land they had had labored on as veritable indentured servants. Law 904/81 marked the Paraguayan government's reluctant adoption of indigenous rights and turn toward creating multicultural policies. Indigenous rights in Paraguay fall under the broad mantle of multiculturalism. Law 904/81 created the legal framework through which numerous indigenous communities made new land claims—Yakye Axa, Sawhoyamaya, and Xákmok Kásek are no exceptions.

Indigenous rights were not codified in the National Constitution until after the fall of Alfredo Stroessner, marking the state's official embrace of multicultural principles (Sieder 2002; Stocks 2005). The 1992 Constitution made several important advances to indigenous rights, particularly in relation to land rights, including recognitions that: indigenous peoples existed prior to the existence of the Paraguayan state, indigenous communities are entitled to collective property rights, and indigenous culture and territory are linked. Therefore, the 1992 Constitution represents a radical shift in official state policy toward indigenous peoples. The Constitution brought indigenous peoples from the literal margin of nation to the symbolic center of the state by writing them into its foundational document.

Indigenous peoples must establish a new relationship with the state to articulate the right to have rights enumerated in Law 904/81 and the 1992 Constitution. That relationship necessarily shifts the governance and operation of power between the state and the indigenous communities articulating their rights. The power relationship changes because the Paraguayan state is the arbiter of rights, ensuring that government officials intervene in the governance of indigenous lives. According to this relationship, the state mandates what actions subjects of

indigenous rights must make to benefit from those rights. The land claims process delineated in Law 904/81 provides a helpful framework to consider this new relationship.

Per Law 904/81 and the 1992 Constitution, there is a clear process by which indigenous communities can claim land rights before the Paraguayan state: 1) become an officially recognized indigenous community by attaining *personería jurídica*; 2) demonstrate the location of ancestral lands and claimant community's attachment to them; and 3) pursue the necessary legal processes to facilitate arbitration of the land claim (see also CODEHUPY 2013). If the state owns land that the community is claiming, INDI can purchase the land directly from the state and transfer title to the community. If the land is privately owned, then the claim must be managed by INDI and the Institute for Rural Development and Land (INDERT) which negotiates the sale and transfer. Both processes are clearly articulated in Law 904/81 but the problems with land titling and the national cadaster (see Hetherington 2009, 2010) coupled with the requisite to gain *personería jurídica* make the actual act of claiming land quite challenging. The process of gaining *personería jurídica* is a seemingly straightforward bureaucratic procedure. In practice, the process is haphazard and reveals much about becoming indigenous in Paraguay.

### ***Articulating indigeneity by way of a new relationship with the state***

Becoming a *personería jurídica* is the first step in becoming indigenous in the eyes of the Paraguayan state. *Personería jurídica* is a legal category that, in this case, defines and establishes an indigenous community, opening the legal avenue to make land claims among other

demands.<sup>60</sup> Attaining this official designation requires gathering census information and formalizing a verifiable registry of community members. Therefore, the act of becoming an officially recognized “community” with *personería jurídica* requires the community make its social structure legible to the state by providing documentation regarding familial relations.

Recognition also involves naming a leader or leaders who must be officially recognized by the state. This obligates INDI officials to physically visit petitioning communities and attend a meeting where a majority of community members vote on the new leadership. The process and vote must be documented in writing and signed by community members in attendance as well as the INDI officials. The whole process is repeated with any subsequent change to official leadership.<sup>61</sup> Moreover, *personería jurídica* is only granted to communities of at least twenty distinct households, a requirement excluding smaller indigenous communities and presupposes all indigenous communities are stable, fixed social organizations.<sup>62</sup> *Personería jurídica* reasserts the centrality of the state’s authority by mandating its physical presence in communities pursuing official recognition while requiring all indigenous communities, regardless of distinct customary laws, adhere to a uniform logic of leadership and governance.

From the moment of attaining the *personería jurídica*, community political organization changes due to the new relationship with the state. Officially recognized leaders are the only

---

<sup>60</sup> See CODEHUPY (2013) for an excellent discussion of this and the indigenous land claims process in Paraguay.

<sup>61</sup> I witnessed this process in December 2015 in Sawhoyamaya.

<sup>62</sup> People often move between different indigenous communities to stay with extended family members or to live closer to a ranch with employment opportunities. Many of the people I interviewed and spoke with in Yakye Axa, Sawhoyamaya, and Xákmok Kásek had at least one family member who still live, often for years at a time, on cattle ranches doing work.



ones with authority to negotiate directly with the state, something that may challenge the power of other “unofficial” leaders, such as shamans who play an important role in historic and traditional social organization.<sup>63</sup> Sometimes the selection of leaders maps onto traditional power structures within communities by naming someone who was already a leader.

Choosing new leaders often changes internal power relations by selecting people who can speak and understand Spanish in addition to Guaraní or the language of the community (Horst 2007).<sup>64</sup> Few Enxet and Sanapana speak Spanish well because Guaraní is the lingua franca used on the ranches and is widely spoken in each community (Kidd 1992; Villagra-Carrón 2010). Language serves as a mechanism that limits who has access to political power and influence beyond the communities (Blaser 2010; Gellman 2017). Leaders must be able to conduct the conduct of the community and conduct the interactions between the community and the state.

With the new regime of rights came an effort to create new self-governing subjects, not wholly different than Grubb’s incipient efforts to do the same with the Anglican Mission. Paraguayan multicultural policies ensure a hierarchical power structure within communities because leaders are often the people who speak on behalf of their community, negotiate development projects, and manage community resources (see Blaser 2010). The change in leadership structure is particularly germane to Enxet and Sanapana communities that were

---

<sup>63</sup> See Kidd (1995) and Villagra-Carrón (2010, 2014) on traditional leadership structures in Enxet, Sanapana, and *Agaité* communities.

<sup>64</sup> Roberto J. Eaton, a co-owner of Eaton y Compañía and the land claimed by Xákmok Kásek, used this very argument to argue against *indigenista* interventions on behalf of indigenous peoples. Eaton stated that the change in governance structure predicted by Law 904/81 alters traditional forms of governance within indigenous communities and is a tool used by NGOs to manipulate indigenous peoples. Eaton made these arguments in the amicus brief he submitted to the Inter-American Court against Xákmok Kásek’s petition for the Retiro Primero land.

historically arranged around egalitarian principles (Kidd 1999). Changes in internal governance to meet state mandates and articulate political rights can have significant, lasting impacts on community cohesion and makeup (Villagra-Carrón 2010). The attraction of gaining state recognition nevertheless outweighs the alternative because the *personería jurídica* status opens new avenues to resource access, participation within the state, and land rights.

Officially recognized indigenous communities can request many state services; the titling and provision of land is a widespread concern. Land rights generally precede other state services because the state requires a community have stable property rights prior to making interventions or investments, such as constructing a school or health post. Paraguayan law clearly states that indigenous peoples have the right to land rights and details the pertinent state institutions to adjudicate those claims.<sup>65</sup> Employing the assistance of *indigenistas*, the Yakye Axa, Sawhoyamaya, and Xákmok Kásek communities each independently began articulating their rights to have land rights by seeking official recognition from the Paraguayan state late 1980s-early 1990s. Following recognition, the three communities independently initiated their land claims between 1986-1993.

Even though each claim was made independently, the three communities share similar experiences of the legal process and Paraguayan bureaucracy. Paraguayan state authorities from INDI who were responsible for adjudicating the claims did little to ensure the timely or effective progression of the land claims process, creating a clear pattern of disregard and neglect to effectively implement multicultural policy or challenge the power of cattle ranching elites. Labor

---

<sup>65</sup> Laws 904/81, the Agrarian Statute, and Chapter Five of the constitution.

rights provided a means of articulating the desire for a new relationship with the ranchers.

Indigenous rights allowed the Enxet and Sanapana to challenge the power of cattle ranching by threatening to take back large parts of the ranches. The ability to challenge the ranchers required that state officials intervene on behalf of the Enxet and Sanapana and that state officials govern, illustrating the centrality of state authority and power in these cases. I turn to a brief discussion of the Xákmok Kásek case to provide a grounded example.

### *Xákmok Kásek, Mopey Sensap, and the Retiro Primero*

Following interventions made by the *Marandú* Project that Marcelino talked about, nothing changed on the Estancia Salazar save for the fact that members of Xákmok Kásek began having new discussions about labor rights and changing working conditions on the ranch. The possibility of taking back part of Estancia Salazar emerged from the creation of Law 904/81, *indigenista* evangelism regarding land rights, and legal support by Stephen Kidd<sup>66</sup> and Tierraviva. Accordingly, the Xákmok Kásek community first petitioned the Paraguayan state for land rights in 1986. The owners of Estancia Salazar always contested the land claim, particularly Roberto Eaton and by his son Roberto J. Eaton, who called the area that Xákmok Kásek claimed “the heart” of the ranch. People from Xákmok Kásek knew the land as Mopey Sensap, an area with important historical meaning to the community. The Retiro Primero property consists of 10,701 hectares of land with extensive mixed forest, proximity to freshwater lakes, and large

---

<sup>66</sup> Stephen Kidd started working in Paraguay as an Anglican missionary and left in the wake of the *La Herencia* project when Church officials did not wish to use Law 904/81 and other legal means to challenge the Paraguayan state in defense of indigenous land rights. After leaving the mission he helped found Tierraviva, one of the leading indigenous land rights NGOs working in the Paraguayan Chaco.

areas apt for agriculture and housing. The Xákmok Kásek community contends that the Eatons dispossessed them of the land when they established the ranch in the early to mid-1900s. The claim immediately pitted the community against the Eatons.

Not surprisingly, relationships between the Xákmok Kásek community and the Eatons soured significantly over the course of the land claim process. A similar trend occurred in the Yakye Axa and Sawhoyamaxa cases. In fact, conditions deteriorated so much that the Yakye Axa community chose to leave the Loma Verde ranch and occupy the shoulder of the highway in front of the lands they claimed. Sawhoyamaxa followed suit after being forcefully dispossessed from the Loma Porã and Maroma ranches, which required them to reestablish the community in the margin of the highway as well. Amidst the struggle for land rights, the Xákmok Kásek community was dispossessed in 2008 from Estancia Salazar where they had lived and labored since the 1950s.

The community reestablished itself some sixty kilometers from the Estancia Salazar on a 1,500-hectare parcel of land donated by the Kenaten indigenous community. The site name commemorated the date of their occupation of the land: 25 February 2008 (25 de febrero). Paraguayan state authorities and the majority owner of Estancia Salazar, Roberto J. Eaton, argued that the community relinquished its original land claim after occupying 25 de febrero. However, that was far from true. Despite the donation of the 25 de febrero land, the Xákmok Kásek community did not surrender their 10,701-hectare land claim, let alone their case before the Inter-American Court. 25 de febrero was always intended as a stepping stone, never the final goal—something the Court explicitly recognizes in its judgment on the Xákmok Kásek case (IACHR 2010). The land at 25 de febrero is not apt for agriculture, devoid of reliable drinking water, and inaccessible for large parts of the year due to seasonal flooding and poor road

conditions. With only 1,500 hectares, the land is far below the legal minimum allotment of 100 hectares per family that indigenous *Chaqueños* are entitled to according to Paraguayan Law 904/81. By the measure of the law, the Xákmok Kásek community is entitled to a minimum of 7,200 hectares of land: 100 hectares per family.<sup>67</sup>

Regaining control of Mopey Sensap and attaining Retiro Primero was the political horizon to which the community has been oriented and collectively organized to achieve for a generation. The possibility of regaining Retiro Primero provided cohesion and a common goal for many members of the community despite internal conflicts that emerged during the struggle for land rights. Due to the inability of the Paraguayan state to effectively adjudicate the claim and the hardships that created, many families chose to abandon Xákmok Kásek and the struggle for land rights in favor of moving to other indigenous communities.<sup>68</sup>

This example illustrates some of the key limitations of the right to have land rights experienced across all three claimant communities. In each instance, the Paraguayan state regularly denied adjudicating the Yakye Axa, Sawhoyamaya, and Xákmok Kásek claims or attempting to ensure the rights of the communities. The process created animosity between the ranchers and claimant communities that resulted in the dispossession of each community from the marginal labor opportunities they had and the homes they occupied since the early-to-mid 1900s. Although the Paraguayan state named Enxet and Sanapaná subjects of indigenous rights and legal protections in the law, the material conditions of their lives degraded due to

---

<sup>67</sup> The law guarantees a minimum of 100 hectares of land per family in the Chaco due to hardships created by the climate and biophysical environment. East of the Paraguay River, the allotment is only twenty hectares per family.

<sup>68</sup> Many people moved to El Estribu, La Palmera, and some of the central Chaco Mennonite communities to either live with family or look for labor opportunities.

Paraguayan state inaction. The right to have rights served as a political horizon *and* a reminder of each community's marginal position vis-à-vis the state and Paraguayan society.

### **Everything changes but stays the same**

The knowledge brought by *Marandú*, decades of *indigenista* interventions, and the indigenous rights adopted by the state in the 1980s-1990s “changed everything,” but the changes are contradictory. The promise of Paraguayan multiculturalism has come with no guarantees. Indigenous rights are continually defined by, and in reference to, the Paraguayan state and non-indigenous peoples who have historically held more power within the field of political contest. Therefore, rights have been slow to challenge the broader structural relations that create indigenous marginalization. On the other hand, rights have changed everything in terms of subject formation; Enxet and Sanapaná peoples are no longer solely seen as exploitable and disposable labor for cattle ranchers or wards of Anglican missions, they are important political actors with newfound abilities to challenge the state and the long-standing authority of cattle ranchers. The right to have rights also created new political tools and power for the Yakyé Axa, Sawhoyamaxa, and Xákmok Kásek communities.

The examples in this chapter show that the right to have rights requires discipline, new relations with the sovereign authority of the state, and new regimes of self- and external governance on the part of indigenous communities. Becoming indigenous in Paraguay has ensnared the Yakyé Axa, Sawhoyamaxa, and Xákmok Kásek communities in a web of seemingly interminable legal struggles. While each community's efforts to articulate their rights holds the potential for important changes, the Paraguayan state's governance of these issues has

exacerbated dispossession in each community because everything and nothing has changed. Over the course of claiming rights and demanding the state ensure them, each community has regularly been expelled from legal protections, creating the conditions for systemic and repeated human rights abuses.

Indigenous rights in Paraguay and the multicultural policies designed to ensure those rights have largely failed at meeting their stated purpose (see e.g. CODEHUPY 2013; UN 2015).

Law 904/81 has the following stated goals:

...the social and cultural preservation of the indigenous communities, the defense of their heritage and traditions, the improvement of their economic conditions, their effective participation in the national development process and their access to a legal regime that guarantees them the ownership of land and other productive resources in equal rights with other citizens (Law 904/81 Article One).

However, the Paraguayan state has not been able to ensure these goals and many indigenous communities still face innumerable challenges rooted in structural discrimination and historic inequality (UN 2015). The law and multicultural rights have not created a more equitable society or even secured land rights for many communities in a timely or effective manner (CODEHUPY 2013; Servin 2016).

Drawing from Marcelino and Eulalio's comments that I thought with in this chapter, I suggest that indigenous rights laws in Paraguay have "changed everything" regarding subject formation. Indigenous rights laws brought Enxet and Sanapana peoples into a new relation with the Paraguayan state and provided a new framework to think through indigenous-rancher relations as well. The adoption of new indigenous rights laws created a field of political and legal possibility that was previously not an option; moreover, it created new political actors: *indigenas*. However, in articulating the language of rights to claim what indigenous rights promise, claimant community members immediately ran up against the limitations of those

rights: reliance on a recalcitrant state government to implement the law.

Paraguay's multicultural turn and adoption of indigenous rights may have promised radical change, yet in many ways the multicultural turn did not change a thing. In fact, each chapter of this dissertation demonstrates that the limits of the right to have rights exacerbates emotional and psychological trauma. The denial of rights re-victimizes indigenous claimants whose rights are recognized but never realized. The Yakyé Axa, Sawhoyamaxa, and Xákmok Kásek cases demonstrate that the limits of indigenous rights are an important part of their potential. The liminal legal status of having de jure but not de facto rights repeatedly dispossessed the Enxet and Sanapaná of land, labor, livelihoods, and rights. The fact that indigenous rights simultaneously changed everything and nothing created a liminal legal condition that the Enxet and Sanapaná have used to access the Inter-American System.



## CHAPTER THREE

### *The state-as-patrón*

This chapter argues that the Paraguayan state governs of indigenous affairs in ways that mimic the historic power relations between ranching *patrones* and indigenous peoples. I analyze *patrón*-indigenous relations to better understand how claimant community members come to know and relate with the contemporary Paraguayan state. The Paraguayan government has long called on surrogate actors to expand the power and presence of the state in the Chaco. These actors were *patrones* of different industries and endeavors: land investors, *tannineros*, missionaries, ranchers, and Mennonites. The historic role of *patrones* as a proxy for the Paraguayan state in the bajo Chaco had two primary outcomes. First, the *patrones* allowed “the state” to be present in the region through its absence, something that defines the region today and that I discuss in detail in this chapter. Second, *patrones* established a form of social relations and governance that the Paraguayan state emulates in how it manages indigenous affairs in the bajo Chaco.

Chapter One showed that *patrones* often dealt with indigenous peoples as if they were their wards or peons. Chapter Two illustrated that the right to have rights brought the state, indigenous peoples, and cattle ranchers into a new and contentious relation with one another: a relation that reflects historic power asymmetries between indigenous and non-indigenous peoples. This chapter builds from the previous two, showing that the Paraguayan state handles indigenous affairs as if the state were a *patrón* and indigenous peoples the peon.

If indigeneity is a political subjectivity vis-à-vis a state, then understanding “the state” is essential to the analysis of indigenous political power this dissertation undertakes. This is hardly to say that states have all the power in terms of indigenous-state relations; Chapter Six explicitly refutes that notion. Nevertheless, the manner with which the state governs indigenous affairs undeniably shapes the Enxet and Sanapana struggles. Those struggles are in direct relation *and* response to conditions created or facilitated by the Paraguayan state. The current chapter argues that Paraguay governs indigenous affairs like the *patrón*-indigenous relations on *Chaqueño* cattle ranches. I advance a notion of the *state-as-patrón* to critique the contemporary indigenous-state affairs in Paraguay and reified conceptions of “the state.”

### **The *patrón*: A strongman, boss, and pattern**

Dictator Alfredo Stroessner governed Paraguay for thirty-four years as if he were the country’s *patrón*. He controlled the country through military rule, patron-client relations, administered state resources for personal use, and used state violence to maintain order (Lambert 1996; Nagel 1999). A coup d’état deposed Stroessner in 1989. However, much of the formal and informal governance structure the Stroessner administration established has not changed significantly; the Colorado political party he was affiliated with maintains control of all the branches of government. The current patronage networks are largely based on those he and his cronies established (Setrini 2010). The major infrastructure projects he used to transform the

country's territory have yet to be radically changed or expanded (Folch 2013). *Latifundias*<sup>69</sup> his policies maintained or created still define issues of land inequality and political power (Hetherington 2010; Palau et al. 2015).

*Patrón*-peon and patron-client relations run deep and are still evolving in the Chaco. The *patrón* is a social relation of historic import with roots in the early tannin extraction, ranching, and missionary practices. The *patrón* as a dynamic social relation based on one's access to resources is a commonly used concept to connote socio-economic difference.<sup>70</sup> Enxet and Sanapana would sometimes refer to me as *patrón*. Ramona and her husband Serafin would often announce with a laugh that their *patrón*<sup>71</sup> had arrived when I showed up at their house. When people called me a *patrón* they generally made reference to three things: 1) my SUV and fact that I could travel when I wanted; 2) I had money to spend;<sup>72</sup> and 3) I shared food with the families that hosted me. These characteristics gave me a sort of power that maps onto stereotypical qualities that the *patrón* controls and has access to resources.<sup>73</sup>

---

<sup>69</sup> Historically, *latifundias* are large, landed estates generally used for agriculture with indentured servants or peasant farmers providing much of the labor. I use the term to describe extensive, privately-owned tracts of land.

<sup>70</sup> See Blaser for a helpful discussion of how Yshyro peoples and the *patrón* in relation to social relations and development (2010). Refer to Chapter Three of Blaser's work and specifically pages 173-174 and 178-180.

<sup>71</sup> They would literally say: "*O'uma che patrón!*" (My patron has arrived!).

<sup>72</sup> People would sometimes say "*nde plata heta*" (you have a lot of money). I first arrived at Xákmok Kásek in a Tierraviva truck. The second time I went, I arrived by bus and hitched a ride on a motorcycle from the highway. The third time I travelled to the community in a used Toyota Rav4 that I had purchased. Upon arriving that time, my friend jokingly said: "Wow! Next time you will probably arrive in a private helicopter!" The comment directly spoke to my economic status and hinted at the fact that many *patrones* fly to their ranches in private airplanes.

<sup>73</sup> Regular access to mobility by vehicular transport was highly valued and sought after by many people that I worked with in Yakye Axa, Sawhoyamaxa, and Xákmok Kásek. Such mobility not only requires a vehicle, but the funds to maintain and fuel one. Many people knew that I was sympathetic to their needs and could help the community with tasks or to take someone to get medical attention—tasks I regularly did.

*Patrón* is not an uncommon word to hear in Paraguay and it is not necessarily abnormal to be referred to as a *patrón* in this context. I have observed people from all social classes use the word, but generally in two ways: to speak about an owner/boss of something, or about someone who has available resources. For example, many men smoked in Xákmok Kásek and I would often hear one man ask for cigarettes from another one by making a reference to the bearer of the cigarettes as the *patrón*. Blaser (2010) also discusses the role of *patrones* in relation to people or a person who controls resource access and therefore has differential power in relation to people without the same resources.

The use of the word *patrón* in the bajo Chaco cannot be divorced from its inference to a social relation. The word recalls histories of labor exploitation and present power asymmetries. I do not suggest, however, that all *patrones* are the same. Indeed, *patrones* take many normative forms and are often categorized as “good,” “bad,” “nice,” “mean,” etc. The Enxet and Sanapaná I worked with would typically characterize a *patrón* as “good” or “bad” in relation to whether they perceived the *patrón* as generous or “jopy” (stingy) with material wealth, including granting access for hunting and fishing, or how well he treated his laborers.<sup>74</sup> The use of the word *patrón* always indicates an asymmetrical power relation between the *patrón* and the person speaking about the *patrón*. Use of the word is often an act of deference.

It is important to note that *patrón* has a dual meaning in Spanish. *Patrón* can be used to indicate a boss/owner or person who controls resources, but is also a word for pattern. My

---

<sup>74</sup> Perceptions about whether a *patrón* was “good” or “bad” may share a relation with traditional leadership relations in Enxet and Sanapaná communities. Earlier studies by Kidd (2000) and Renshaw (1988) show that leadership was often evaluated by the generosity of the leader with respected leaders being the most generous. Grubb’s accounts (1911, 1914) also mention that leaders of Enxet communities always had the least visible wealth. Perhaps, then, the “good” *patrón* is seen in relation to these historic leadership qualities.

framing of state-as-*patrón* directly refers to a notion of the state in the first sense—as owner, boss, or one who controls resources. However, I develop the idea of state-as-*patrón* by highlighting patterns of behavior in state-indigenous relations that imbue the Paraguayan state with *patrón*-like qualities and give the state-as-*patrón* its reified form as a gendered male figure. State officials exhibit a pattern of behavior in relation to indigenous affairs that maps onto asymmetrical *patrón*-peon relations. In the current form, these relations create dependence on sparse state services and reconstitute the power and presence of the state. Histories of *patrón*-indigenous relations created on cattle ranches influence how the Paraguayan state governs of indigenous affairs and how Enxet and Sanapaná peoples relate with the state.

This chapter examines three examples to argue for a conception of the Paraguayan state-as-*patrón*, explaining how the social relationship embodied in the imaginary and effects of the *patrón* shapes indigenous affairs. First, I consider a moment where my interlocutors and I “met the state.” I use that experience to discuss ways that people come to know their *patrón*. Next, I consider how neglect to resolve the Yakyé Axa, Sawhoyamaya, and Xákmok Kásek land claims created a literal state of emergency in each site. The state of emergency shows how the administration of food rations helps create an image of the state as a benevolent and caring *patrón*. Finally, I evaluate the role of the radio in reproducing the *state effect* (Mitchell 1991) and power and presence of the *patrón* in absentia. The three examples reveal a mode of governance that (re)produces the systemic violence and maintains indigenous socio-economic marginality.

### **Meeting the state-as-*patrón***

As Enxet and Sanapaná interlocutors explained to me, the *patrón* rarely resides on his

ranch(es). Instead, the *patrón* makes periodic visits to attend to business and on occasion requires that members of his ranch staff travel to Asunción to meet. In these fleeting moments people meet their *patrón* and come to know him.<sup>75</sup> The relationship between indigenous people and the Paraguayan state is similar. Indigenous people most often “meet the state” when they travel to Asunción to conduct business at one of the many institutions charged with overseeing different aspects of indigenous affairs (see Gupta 2013). Asunción is where the majority of government offices are located, requiring people from the claimant communities to travel there and follow-up on their cases. People often come to know and imagine the state through fleeting moments of contact they have with material attributes of the state (see Corbridge et al. 2005; Gupta 2013). Mitchell (1991) argues that people come to identify the state through “mundane arrangements,” like the commonplace experience of visiting state institutions for bureaucratic affairs. The example that follows details a mundane arrangement: waiting for a meeting at INDI. The mundane nature of the exchange reveals much about how the Enxet and Sanapana have come to know the state-as-*patrón* and how the state-as-*patrón* comports itself.

During my research, members of Xákmok Kásek often invited me to accompany them on different mundane encounters with state officials. Though the encounters are too many to include here, they collectively reveal a pattern of behavior that inform my framing of the state-as-*patrón*. The mundane encounters show that violence is often silent, stealthy, and structural because the

---

<sup>75</sup> I use the gendered word “his” because following Spanish language norms *patrón* is gendered and refers to a male. Although people do use the term *patróna* to refer to females in this position of power, no one during my research use the feminine form of the word or referred to women in that context. The only time people used the term *patróna* was if a man was making a reference to his wife.

violence is not seen as extraordinary,<sup>76</sup> but merely an everyday experience of being indigenous in Paraguay. I draw an extended selection from my field notes of one experience at INDI to illustrate my point:

We arrived at 11:00 am for the scheduled meeting with the new President<sup>77</sup> of INDI. Gerardo, Clemente, Serafin, and I checked in with the receptionist, who instructed us to sit on the couches in the waiting area until the President was ready to meet. We were told it shouldn't be too long. The day was hot; the weight of the humid Paraguayan summer sitting on us with all of its weight. The waiting room has no windows or air-conditioning. The water cooler was empty.

People came and went—INDI employees, other indigenous people, men in suits and some that looked like ranchers. They entered the office without waiting while we waited. Seemingly everyone who wasn't indigenous was able to enter the office, have a meeting, and leave. Meanwhile we waited.

The hours passed. Gradually as we waited, the number of people waiting increased—they were all indigenous. There were not enough seats for everyone, so some stood, some sat on stairs, and others sat on the arm of the couch. We waited and talked. We drank thermos after thermos of *tereré*, of which we all took turns to go fill at a faucet outside. It was hot in the waiting room, right in front of the President's office.

Eventually, the *tereré* got to me. I had to use the restroom. I walked downstairs to the restroom dedicated for indigenous people to use—employees and special guests use locked restrooms. The floor was covered in feces and urine with a smell that literally caused my eyes to water due to the ammonia mixed with the hot, steamy summer air. Maggots writhed in the toilet bowls, indicating that this was not a freak backup of the system, but a systemic failure to clean the bathrooms. Mold on the walls and scum from the film of who knows what on the tiles around the sink. This wasn't a latrine, but an indoor restroom like none other I've ever seen in Paraguay. I went to the bathroom. There was nowhere else to go.

I walked back upstairs and sat between Gerardo and Serafin to wait. Serafin told me they always have to wait even though they make appointments for a specific time. This was not unusual. We waited, talked and laughed at jokes, and complained about the wait.

Just after 5:00 PM we were invited into the meeting room. The meeting for which we had a private appointment now was shared with 12 other indigenous peoples from seven

---

<sup>76</sup> I am indebted to Li (2010a) for her notion of “stealthy violence” and Watts (1983) for his framing of term “silent violence.”

<sup>77</sup> I have chosen not to use this person's name and refer to him only as “the President.”

different communities across Paraguay who had also been waiting. I guess the President wanted to make a group intervention. We waited for another 15 minutes or so in the air-conditioned meeting room, enjoying a little respite from the heat before he showed up.

By sheer stroke of luck, Gerardo, Serafin, and Clemente were the first to talk with the President while the other dozen listened and waited. They discussed the issue of complying with the Court's mandate to purchase land for the community to which the President appeared to be listening half-heartedly, taking no notes and with no assistant. At times his face looked pained as he struggled to maintain attention (see Figure 7).



Figure 7. At the meeting with the President of INDI. Leaders of Xákmok Kásek are seated at the table as well as another man in the room waiting for a meeting. The rest of the people in the room are off camera (photo by author).

Mid-conversation the President suddenly diverted attention to the issue of his clothing, asking anyone in the room to guess why he was wearing a fine three-piece suit, fancy watch, and new leather shoes. After a moment of silence man from the back of the group replied, “because you are the President of INDI” to which the President firmly retorted, “no! I am wearing these clothes because you are presidents, presidents of your own communities. I am wearing these clothes out of respect for you because I knew that we were going to have this meeting. I put on my finest clothes to meet you the same as if I were meeting with the president of another country.” It was an odd and unnecessary display, especially because when the President entered the room he commented that he had not been aware that there was a meeting, which was his form of apology for the long wait. Apparently, he forgot that detail.



After the diversion, the President turned his attention to Gerardo and assured him that he is doing everything in his power to see that the land is purchased as soon as possible. But, he also asked for patience, mentioning that he could not make the decision because it was up to President Cartes<sup>78</sup> to say when and if the land could be purchased. He suggested that we go to the Ministry of Finance or the Office of the Vice-President to inquire. Gerardo replied by saying that we had done that the day before and that both offices said compliance with the Court and purchase of land is responsibility of INDI. The President said that the issue is out of his hands, but that he would personally speak with Cartes to convey the community's concern. With that we were excused from the room.

On the way out of INDI Gerardo, Clemente, and Serafin reminded me that the President's reply was odd because it is not Cartes' decision when or if the land should be purchased. There are clear and established legal procedures that ensure the direct sale and purchase of land for indigenous peoples. The company that owns the land, *Eaton y Compañia*, is now actively trying to sell it to INDI, but INDI is stalling for unknown reasons. The money is available to purchase the land because no lands have been purchased for indigenous peoples this year according to the official budget and the 2015 *Rubro 450*<sup>79</sup>...

Passing the tarp encampment of landless indigenous Mbyá Guaraní protesting in front of INDI as we walked to my car, Serafin commented, "they [the state] don't even respect the law. Cartes wants to manage the country like a *patrón*." His comment resonated with me because, after all, Cartes is a prolific businessman who owns many Chaco ranches. He is a *patrón* in many senses of the word.

The excerpt from my fieldnotes captures many characteristics of the state-as-*patrón*, some of which I discuss here and others throughout the chapter. On the ranch, the *patrón* is the ultimate arbiter but also acts on his own wills and desires rather than adhering to an imposed system of governance. However, *patrones* often employ an administrator to ensure day-to-day operations and governance of the ranch. In the example above, the President of INDI is Cartes' administrator of indigenous affairs. That President Cartes should play the central role in deciding when and if state resources will be used to purchase land for Xákmok Kásek is highly unusual

---

<sup>78</sup> The President of Paraguay.

<sup>79</sup> *Rubro 450* is INDI's annual budget for resolving land claims.

behavior that thwarts procedural norms. I had many conversations with the community's legal counsel in regard to President Cartes' alleged role in deciding on the land sale. The counsel explained that according to state law 904/81, adjudication of the normal indigenous land claims never requires the president's intervention. The acquisition of land for indigenous communities is most often a standard sale and transfer of private property from one entity to another (CODEHUPY 2013).<sup>80</sup> Yet we received the same explanation about the land purchase from the Ministry of Finance as well as from Vice-President Afara (see Figure 8). Everyone claimed that Cartes had the final say.



Figure 8. Clemente Dermott and Serafin Lopez, leaders from Xákmok Kásek, speaking with the Vice President of Paraguay, Juan Afara, about the prospect of purchasing the land. The meeting took place in front of a cheese case in

---

<sup>80</sup> In the special case where private property is expropriated, the president would approve or veto a law of expropriation but only after it cleared the Senate, as in the case of Sawhoyamaya (see Chapter Four).

a restaurant in Villa Hayes after we had driven three hours from the community and waited another eight hours for the meeting. The duration of the meeting was less than five minutes and resulted in the Vice President saying that it was President Cartes' decision on whether the land would be purchased or not (photo by author).

Just as the word *patrón* is itself a gendered term in the Spanish language, the Enxet and Sanapana most regularly interact with non-indigenous male authority figures that reproduce a very specific form of inter-personal relations and power within the Paraguayan context. It is a form of power that builds from an expression of machismo—or male-dominated social norms. During all the meetings and legal negotiations with government officials that claimant community members invited me to participate in, the only females present were either receptionists or assistants to higher-ranking male officials. The two interactions that I discuss here, with the President of INDI and Vice-President Afara, draw attention to the reified form of the state-as-*patrón* that is embodied and often imagined as a non-indigenous male figure.

Despite the legal abnormality of Cartes' personal involvement in the case, it was not entirely surprising. The Cartes administration is commonly thought to operate through extensive patronage systems, managing the country with tactics exemplary of the *patrón* archetype I heard repeated throughout my fieldwork. These tactics include setting the terms of the relationship with peons, not unlike scheduling a meeting at 11:00 AM and being denied audience until after 5:00 PM with no guarantee during the wait that the meeting would take place. Unpredictability is not an inherent characteristic of a *patrón* but results from encounters with the state-as-*patrón*. In this chapter and others that follow, I show that unpredictability is closely related to the operation of structural violence.

If, as Mitchell suggests, the *mundane arrangements* of state practices serve to create and give “order and meaning to people’s lives” (1991, 94), the experience at INDI illustrates much about the violence of indigenous-state relations. The fact that the events are themselves mundane

is indicative of the naturalized violence and dispossession of indigenous Paraguayans. The events at INDI that day reinforces a perspective on the part of indigenous peoples that the state controls the situation and does not care for their interests. The material conditions of INDI also reflect the fact that it is the least funded federal institution and maintains a peripheral status within the Paraguayan state government. Within the Paraguayan government apparatus, INDI is also marginalized to the degree that its authority is minimal; it is an “Institute” not a “Ministry” or higher-level arm of the government. Our visit to INDI was only one of many that Clemente, Serafin, and Gerardo have had there. The conditions of the visit were extraordinary to me but mundane to my counterparts who explained the conditions as a behavior replicated over time and across many INDI administrations.<sup>81</sup> It is common to wait hours for a scheduled meeting that may or may not happen and seemingly straightforward bureaucratic procedures often create Kafkaesque ordeals (see also Hetherington 2010, 147-152). Collectively, these mundane arrangements create disarray and impart a sense of neglect in Enxet and Sanapaná peoples who travel hours by bus to Asunción to meet the state-as-*patrón*.

### **The *patrón* and the *provista***<sup>82</sup>

The Yakye Axa, Sawhoyamaxa, and Xákmok Kásek cases show that state authorities

---

<sup>81</sup> The previous two INDI Presidents were removed from office for scandalous or illegal behavior: one for illegally selling indigenous lands and embezzlement; the other for kicking an indigenous woman in the stomach (in self-defense) during a protest.

<sup>82</sup> *Provista* is a Spanish word for supplies. In accordance with regular usage in Paraguay, it means *food* supplies.

exhibit a pattern of failing to address the root causes of indigenous marginalization that spans from the creation of Law 904/81 to the present day (Chase-Sardi, Brun, and Enciso 1990; Horst 2007; UN 2015). State officials only seem to take significant measures on indigenous affairs as a reaction to dramatic events or political mobilizations. The creation and adoption of Paraguay's foundational indigenous rights law, Law 904/81, is a prime example. Critics suggest that the Stroessner administration only allowed the law to pass because of international reactions to the alleged role of the state in the *Aché* genocide (Renshaw 2002; Horst 2007; Gilbert 2016). The Yakye Axa, Sawhoyamaxe, and Xákmok Kásek communities each used Law 904/81 to articulate their rights to land rights. Due to Paraguay's systemic inability to arbitrate the land claims, each community endured years of dispossession and marginalization that violated their fundamental human rights. In turn, Paraguayan President Luis González-Macchi issued Decree 3789 in 1999 that proclaimed Yakye Axa and Sawhoyamaxe to be in a state of emergency.<sup>83</sup> González-Macchi issued the Decree in response to the precarious living conditions both communities endured on the highway margin while they waited for the Paraguayan state to resolve the land claims (IACHR 2005, 49).

Food rations (*provista*) are the key provisions of the declared states of emergency. Li (2010a) calls these types of initiatives “make live programs” because their intent is just that, to ensure a target population lives and is not left to die. Following Li's (2010a) approach, I consider how the administration of the state of emergency embodies the contradictory politics of make live programs that create conditions where populations are disproportionately exposed to greater

---

<sup>83</sup> The Paraguayan state also declared Xákmok Kásek in a state of emergency in 2009 while its case was being adjudicated by the Inter-American Court.

vulnerability. Biopolitics are a key element of “modern” state governance that center on the ability to choose between making a population live or letting one die based on the form of intervention and care administered (or not) (Li 2010a). The state of emergency is a biopolitical program of the Paraguayan state.

The state of emergency is a project less concerned with normalizing or controlling life than about creating an image of caring for and ensuring vulnerable Enxet and Sanapana lives. I pry apart the biopolitical implications of the state of emergency in Yakyé Axa, Sawhoyamaxa, and Xákmok Kásek to highlight a pattern (*patrón*) of behavior in state-indigenous relations. The state of emergency is supposed to provide care and ensure food security for the three claimant communities until Paraguay resolves each community’s land claim. Decree 3789 recognized the state’s inability to adjudicate the land claims as the reason why the state of emergency is necessary. The Inter-American Court has also recommended that the state of emergency continue until the state is able to resolve the land claims.

But rather than alleviate suffering, the duration of the state of emergency has created dependence on the state to provide food rations. The state of emergency has persisted for nearly 20 years in Yakyé Axa and Sawhoyamaxa and since 2009 in Xákmok Kásek. It is now a regular feature of life that many young people in each community have always known. People from the three claimant communities do not equate the provisions with a legal state of emergency, but instead refer to the service simply as “the emergency,” as though emergency does not carry the literal meaning of the word and is instead quotidian and normal.

The administration and delivery of the food rations reveal a striking resemblance to food distribution practices on the cattle ranches prior to each community’s dispossession from the

ranches.<sup>84</sup> The following juxtaposed quotes illustrate parallels between indigenous-*patrón* (as rancher) and indigenous-state (as *patrón*) relations and ground the point I am making. The first quote is by Nancy from Xákmok Kásek speaking about *Estancia Salazar*,<sup>85</sup> the second by Gladys from Sawhoyamaxa speaking about the food provisions provided by the Secretary of National Emergency (SEN) in accordance with the state of emergency.<sup>86</sup>

One can *vaka'i* [processed meat] full of yucca flower. The same of yerba mate. If you were lucky, a little dried beef. It was like that every day. That was it. That was all the *Patrón* gave us to eat. Then you would go to do your work. Sometimes eight, ten, twelve, or sixteen hours. We were always hungry. Sometimes at the end of the month he [the *Patrón*] would have a cow butchered that we [the ~100 indigenous families on the ranch] all share. We hunted and fished to make sure there was food to eat for our families. We would also look for fruits of wild vines or mesquite seeds when it was their time. But the *Patrón* was always fat [literally, but also figuratively as happy]. He controlled the food.

We get food from the emergency. They bring us food every month. Sometimes they are late, we don't know exactly when it will come, but everyone here gets food from them... They bring flour, yerba, sugar, rice, *coquitos* [small cracker-like balls], oil, salt and pasta. Five kilos each. They used to bring *vaka'i* and soap, but they don't anymore... The food they bring isn't good. Sometimes it has bugs or the flour is hard. The beans are bad. The yerba tastes bad. But it is all we have. What can we do? We eat it, but it is not enough for a family. Can you feed a family of six people with five kilos of rice for a month? My neighbor's family eats all that in a week. There is never enough food. The kids are hungry... I don't know what we'll do when they stop bringing the food. [Laughs] We'll have to find another *patrón*...

The two examples, though distinct, share a general theme: the *patrón* provides for his subjects. The *patrón* controls the resources and distributes them at his will. The *patrón's* provisions may be insufficient; nevertheless, they are necessary to survive. Both the *patrón* on the ranch and “the emergency” as *patrón* provide food. It is food that is insufficient, that does not

---

<sup>84</sup> I base this claim on testimonies I gathered Yakyé Axa, Sawhoyamaxa, and Xákmok Kásek that are corroborated by the IACHR (2005, 2006, 2010), Kidd (1997), and Chase-Sardi, Brun, and Enciso (1990), among other reports.

<sup>85</sup> Recorded interview: July 15, 2015.

<sup>86</sup> Recorded interview: February 21, 2016.

quell hunger nor mitigate broader conditions that generate hunger; nonetheless recipients see some food as better than no food. The “make live” interventions a ranching *patrón* provides indigenous laborers on his ranch, like the food rations the Paraguayan state provides to vulnerable indigenous populations, create the appearance of care. But this form of care leaves people chronically short of food and illustrates Li’s point that “letting die” is not necessarily an explicit practice; it is “a stealthy violence that consigns large numbers of people to lead short and limited lives” (2010a, 66-67).

Roberto J. Eaton, the *patrón* Nancy discussed and long-time majority owner of Estancia Salazar, argued in his amicus brief to the Inter-American Court<sup>87</sup> that he provided excellent care to the indigenous people who lived on his ranch. The amicus brief is extensive, including photos and documentation pertaining to the quality of indigenous life on his ranch. Regarding the issue of food on Estancia Salazar and my questions about the “*vaka’i*” that interlocutors from Xákmok Kásek reported to me, Eaton said:<sup>88</sup>

They are all liars. The NGOs and anthropologists are liars and they got the indians [sic] to lie as well. I always provided well and wanted the best for the indians [sic]. It is the NGOs that use them and their suffering to make money. I always gave them more than enough food on the ranch.

He provided me with pictures of his ranch staff passing out food to indigenous people (see Figure 9). Perhaps at one time Eaton did provide ample food to indigenous laborers on his

---

<sup>87</sup> Available for public access in the archives at the Museo Etnográfico Andres Barbero in Asunción, Paraguay.

<sup>88</sup> I conducted one formal interview with Eaton and had two of short phone conversations with him during the research for this study. He was very generous when we met and I spent six hours at his home. However, he has a deep mistrust for social scientists and anyone affiliated with the Inter-American Court or Tierraviva.



ranch. But literally every person from Xákmok Kásek who I spoke with about life and labor on Estancia Salazar recited a similar version of the *vaka'i* story that Nancy shared. Indigenous ranch staff were given minimal food rations and had to hunt, fish, or gather foods from the forest to meet their outstanding nutritional needs. Non-indigenous ranch staff were given ample food and access to potable drinking water.<sup>89</sup> I heard this account from at least thirty-five people. The account, along with others related to the abuses on the ranch, was frequently volunteered and not a direct response to my questioning. Abuse in its multitudinous forms marks many of the memories members of Xákmok Kásek recite about their time living and laboring at Estancia Salazar.<sup>90</sup> Dispossessed from the ranches but trying to regain control of them, the Xákmok Kásek, Yakye Axa, and Sawhoyamaxa communities now depend on a new *patrón*—the Paraguayan state.

---

<sup>89</sup> Renshaw (2002) reported that differences in food provision and pay for non-indigenous and indigenous ranch staff was a common practice on *Chaqueño* cattle ranches, not just Estancia Salazar.

<sup>90</sup> See also Chase-Sardi, Brun, and Enciso (1990), Kidd (1997) for reports addressing the issue of food on the ranches.

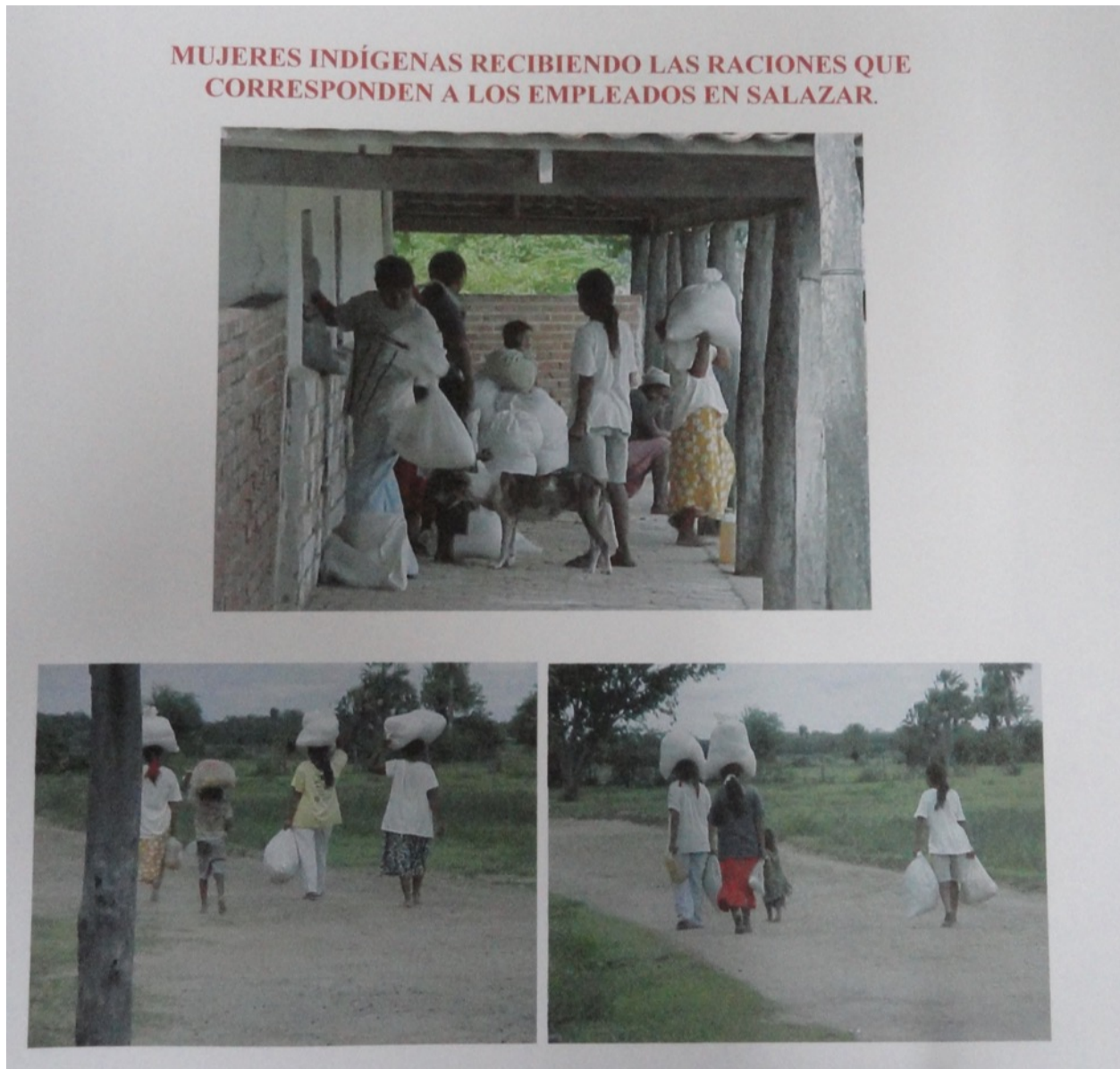


Figure 9. Picture of a page in Eaton's amicus brief to the Inter-American Court refuting that he or his ranch staff mistreat the indigenous that lived on his ranch. The caption above the images reads: "indigenous women receiving the rations that correspond to employees of Salazar" (Eaton, n.d.). Note that the composition of the images and the vantage from which they are taken provides very little detail—no faces are shown and it is impossible to know what the bags contain. The images evoke the distance between *patrón* and peon and the impersonalized attention given to care.

Both Eaton and the Paraguayan state try to convey an idea that they care for the wellbeing of indigenous peoples. In their own ways, each party attempts to create an image of itself as a munificent *patrón* to mask the "stealthy violence" each is responsible for. People who

do not know the specificities of the cases may very well interpret the images and accounts of the SEN food deliveries as emblematic of a state cares for indigenous peoples in peril. Food deliveries mask the social, economic, political, and historic relations that produce the need for “care” in the first place: the lack of land rights and histories of dispossession. A closer look at the state of emergency reveals that the Paraguayan state maintains a degree of control over Enxet and Sanapaná lives by limiting their access to land and maintaining dependence on the food provisions.

Paraguayan functionaries use press releases, official reports, and institution websites to create this image of care. Critically evaluating the SEN website shows that the agency attempts to convey the image that the state is making emergency interventions to protect indigenous lives. The image of care occludes the fact that the state is reacting to conditions of its own creation. Take, for example, the photo below that shows an image from the SEN website (SEN 2016) (see Figure 10).<sup>91</sup> Accompanied by brief, published remarks about SEN interventions, the photographs construct an image of SEN “getting the job done” and administering food rations in systemized ways to populations in need:

Families from the Xakmok Kasek [sic] indigenous community will receive more than 3,400 kilograms of food staples...An operational team from the Secretariat (SEN) will head to the Puerto Pinasco district this afternoon to assist the inhabitants of the indigenous community who will receive 72 food kits, each weighing 48 kilos. These goods will be very useful for the natives [(*nativos*)] whose principal foods are from hunting and fishing. Each family will receive the following non-perishable foods: oil (4 liters), rice (5 kg), sugar (5 kg), flour (5 kg), pasta (5 kg), yerba (5 kg), beans (5 kg), breads (5 kg), peanuts (3 kg), conserved meat (4 packs), soap (2 units), and salt (1 kg).

---

<sup>91</sup> While I am aware that there is a body of scholarship that considers relationships between image, fetish, and humanitarian aid (see e.g. Chouliaraki 2006; Calhoun 2008; Bradshaw 2015), I am not engaging those debates now due to the scope of this dissertation.

The Secretary of National Emergency<sup>92</sup> periodically assists indigenous communities in the Chaco territory in agreement with the Court rulings that oblige the Paraguayan state to process land restitution and provide diverse services from its institutions (SEN 2017).



Figure 10. SEN food delivery to Kelyenmagategma (SEN 2017).

The text is revealing of state-indigenous relations. A close read of the quote reveals much about the state-as-*patrón* in relation to indigenous Paraguayans. Within a broader governmental shift by the Paraguayan state to adopt a politics of transparency (see Hetherington 2010), the SEN website is intended to provide accountability about the organization's activities. SEN

---

<sup>92</sup> *Secretaria de Emergencia Nacional.*

purports to show commitment and care for Xákmok Kásek through the distribution of food rations. Transparency can also reveal relationships that are not intended to be seen.

The state-as-*patrón* is ostensibly the provider of food and care in this example. Listing that 3,400 kilos of rations will be delivered provides an impressive statistic, suggesting a large quantity of food. There are approximately 250 people who live in Xákmok Kásek. Assuming the rations are evenly distributed across the population,<sup>93</sup> 3,400 kilos ensures 13.6 kilos of food rations per person per month, or .45 kilos of food per day. If a person eats only two meals per day, the rations equate to one-quarter kilo per meal. The total edible kilos per person is considerably less if one accounts for the fact that salt, yerba mate, cooking oil, and soap factor into the total kilos provided to each family. Furthermore, my heuristic does not account for the nutritional and caloric value of the food, which, apart from the beans, is comprised of highly processed starches. Factoring for the actual nutrition of the food points to how meager the rations actually are.

While claimant community members are grateful to have food rations, the people I spoke with uniformly agreed that the quantity of rations were insufficient. This was especially true for large families, who received the same quantity of food as a family of three. Interview respondents commonly replied: “*michi’eterei*” (very small) or “*sa’i*” (a little/too little) when I would ask about the quantity of rations. According to state officials I spoke with, the food provisions are not intended to be the sole provision for a family to eat during a month. Yet claimant community members reported that the state’s inability to adjudicate their cases ensures

---

<sup>93</sup> Food is not distributed evenly across total inhabitants and family size varies significantly, yet the number of rations is the same regardless of number of people in the registered family.

their dependence on the rations because they have no viable means of subsisting otherwise.

While the food is necessary, it is barely enough to make live but enough for the state to create an image of care.

The SEN text also builds on historic, racialized discourse about indigenous peoples in Paraguay. *Nativos* (natives) is a term with pejorative inference that, along with *indio* (indian), is more closely associated with imaginaries of indigenous peoples as non-modern and “backward,” whereas *indígenas* (indigenous) are rights-bearing subjects (see Blaser 2010, 80-103 for an extended discussion). The SEN text revisits old tropes that Enxet and Sanapana are hunter-gatherers by stating that principal food source for the community “come[s] from hunting and fishing.” Many Enxet and Sanapana do still hunt, fish, and gather foods from the forest, but do so out of necessity rather than an adherence to cultural practice.<sup>94</sup> As one woman from Yakyé Axa commented to me, “If we don’t go fishing we won’t eat. There is no money to buy food from the *makatero*!”<sup>95</sup> The hunter-gatherer imaginary has served *indigenista* efforts to advance indigenous land claims (Blaser 2010). Still, no one I spoke with in any of the claimant communities identifies as a hunter-gatherer and many openly reject the term. One leader of Xákmok Kásek, Clemente who I regularly stayed with told me the following as we drank *tereré*:

We are modern people. We know the law and our rights. We are professional ranchers, tractor drivers, teachers, leaders, butchers, and health workers like anyone else. We are not hunter-gatherers and I don’t like it when people call us that. Enxet used to live that way, but not anymore. If I go hunt, or fish, or get food from the forest it is not because I

---

<sup>94</sup> See also Renshaw (2002, 132-143).

<sup>95</sup> A *makatero* is the colloquial name for mobile vendors that sell items across the Chaco, driving from community to community to peddle their wares. A variant of this response was reported by people across all three communities during twenty-two interviews.

am a hunter-gatherer. I like that food better. It is healthier. Beef is full of chemicals and medicine. Forest meat [*so 'o ka 'aguy*] tastes better and is natural. People that call us hunter-gatherers are ignorant. They don't know indigenous people.<sup>96</sup>

Clemente's comments illustrate the contingent and dynamic nature of indigeneity and subject formation. The notion of the hunter-gatherer is a prime example of a strategic essentialism that slots indigenous peoples from the Chaco into a particular category, creating an imagination that has been a historically significant political tool in legal arguments for land rights (see Blaser 2010; also Tsing 1999). Evoking the image of the hunter-gatherer, *indigenistas* have long lobbied the Paraguayan state to restitute large expanses of land to support traditional indigenous practices. However, the image of the hunter-gather freezes the idea of indigenous peoples in time and practice, denying the fact that becoming is a continual and relational process. Clemente's comments refute this denial and show that being indigenous is hardly a static or uniform identity, but one that is intersectional, dynamic in its relation to other identity formations like class. Clemente never rejected his indigeneity, but did reject being reduced to an "imagination indian" (Blaser 2010) in the common-sense fashion evoked by the SEN website.

For SEN to reproduce the *nativo* trope on its website in the year 2017 is telling. The trope demonstrates a lack of care and awareness of indigenous issues despite intending to do the opposite. Such tropes are demonstrative of pervasive racialized discourse that frames indigenous peoples as "backward" and not part of the broader Paraguayan national imaginary. The discourse functions alongside widespread cultural politics that normalizes indigenous dispossession and the emergency conditions found in the three claimant communities.

Finally, the claim that SEN "periodically assists indigenous communities in the Chaco" is

---

<sup>96</sup> Handwritten fieldnotes: September 20, 2015.

vexing. If nothing else, SEN's framing of the assistance program is de-historicized and promotes an image of problem-specific care rather than sustained interventions. SEN has been responsible for providing food aid every month since 2009 for Xákmok Kásek and since 1999 for Yakye Axa and Sawhoyamaxa. There is nothing periodic about that: it is a routine and normalized activity in each community. The only thing periodic about the assistance is that while food rations are supposed to come every month, many claimant community members reported they never know when or if SEN will really come.

I want to take pause to think through one ramification of "periodic assistance." State actors—official representatives of the state—only periodically appear or are present in any of the claimant communities. Yet claimant community members often express feelings of neglect due to this absence, often stating that the officials have "forgotten about the indigenous," "only care about the rich and not poor indigenous," or that "they never come to check on the case." But the "periodic" visits to Yakye Axa, Sawhoyamaxa, and Xákmok Kásek evoke the way that many *patrones* govern their ranches. The *patrones* periodically visit to distribute goods, payments, and monitor ranch conditions. While the comment is presented in benign language on the SEN website, the long-term effects of "periodic"—read irregular—assistance creates predictable unpredictability. The delivery of food rations is not arbitrary.<sup>97</sup> The rations are a regular part of life that is never regularly dependable. The unpredictability of the service is predictable, creating a clear pattern of haphazard care. Unpredictability is a form of power that, in this example,

---

<sup>97</sup> Gupta (2013) argues that arbitrariness is a primary way structural violence operates in the provision of development aid in India and creates vulnerability despite its intent to alleviate it. Dunn (2012) argues that the provision of humanitarian aid is often defined by adhocism that creates vulnerability through unpredictability. Both approaches inform my analysis.



maintains a balance of power skewed in favor of the state-as-*patrón* and ensures that state actors maintain a position of authority. “Periodically,” people wait on a scheduled day for food rations that never arrive. “Periodically,” rations are not delivered one month and the next month SEN brings double rations. “Periodically,” rations are spoiled and infested with bugs. The following is a description by a woman from Sawhoyamaxa about the SEN rations:

Sometimes the drivers don’t bring enough food. I think they take them [the rations] and sell them in Concepción [a town 70 km away]. If it rains or they think it will rain they don’t come. We never know when the food will come. And then there are times when it [the food] is bad. The flour is full of bugs and the pasta stinks so bad. But what can you do? We eat it. We have nothing, so we have to eat it. Sometimes we complain, but then they don’t bring it to us and make us wait. So, we take it when they bring it, and eat it.<sup>98</sup>

Across all three research sites, people reported similar issues about rotten food, inconsistencies in delivery quantities and times, as well as the occasional conflict with delivery drivers. Perhaps most telling from this quote, however, is the fact that despite these issues, particularly the quality of the food rations, most people eat what they get because they have no other option. I suggest that “care” does not look like bread with weevils or hardened bags of flour. Photos and text on government institution websites and reports do not reveal these details. They construct an image intended to position the state as a benevolent *patrón* dutifully caring for its subjects. Yet, the *patrón* does not have to care for his peons.

### **The state effect on the radio**

---

<sup>98</sup> Recorded interview with person who wished to remain anonymous: January 30, 2016.

The state-as-*patrón* is most present through absence; listening to the radio on any given day in the Chaco illustrates this point and speaks to Mitchell's notion of the *state effect*. The *state effect* is a "dramatized dualism of state and society" whereby people reify "the state" as though the state were a cogent singular actor (Sparke 2005, 123). Numerous scholars have deftly illustrated that the state is clearly not a singular entity or thing, but a constellation of institutions, actors, and practices.<sup>99</sup> The notion of the *state effect* provides a useful analytic to investigate how the idea of "the state" reproduces state authority and maintains that authority in spaces where the state is materially absent and also how it does so when it is arguably present (see e.g. Das and Poole 2004; Yeh 2013). Mitchell's *state effect* illustrates that the state's power is diffuse and ephemeral and that state and society are not distinct but co-constitutive of one another (1991, see also Sparke 2005). Citizens are a subject relative to their recognition by state authorities and people conjure the state by hailing it in different times and spaces. That is, while state recognition creates new subjectivities, the recognition people give the state and how they do so reifies imaginaries of "the state" as if it were a person or thing—in this case, as the *patrón*. I suggest that the relationship of the *patrón* to his peons (and vice versa) is no different.

*Radio Pa'i Puku*, the regional radio station heard across the Chaco, is on at some point in the day at nearly every house in the places where I work. The crackly broadcasts can be heard throughout the day and with them a constant commentary about the absence of the state and the suffering of indigenous people.<sup>100</sup> One of the hallmarks of *Radio Pa'i Puku* is the daily program

---

<sup>99</sup> I draw inspiration from approaches to this issue advanced by Mitchell (1991, 2002); Sparke (2005); Corbridge et al. (2005), Hetherington (2010), Gupta (2012), and Yeh (2013).

<sup>100</sup> Indigenous peoples also regularly use the radio as a means of sharing information, sending greetings, and making announcements. Bessire (2014) provides a great discussion of the role of the radio in Ayoreo life.

*Mundo Indígena* (Indigenous World) and the many opportunities listeners have to call in and share news throughout the day. People call from every corner of the Chaco, speaking Guaraní, Spanish, Nivacle, Ayoreo, Yshyr, Enxet, Toba, Sanapaná, and other languages. The language of admonishing the absentee state is the lingua franca that unites speakers and listeners of the radio. The language is repeated and enunciated by denouncing faulty roads, lack of access to medical care, drinking water, and education, or voting problems, corruption, and neglect writ large. People denounce these conditions with such frequency that they naturalize the circumstances as part of indigenous life across the Chaco.

Listening to callers on *Radio Pa'i Puku* and the regular recitations they make about the wrongs committed by “the state” on creates an image of indigenous marginalization that contradicts images of care promoted by the state. In place of an image of care, the radio broadcasts conjure an image of the state as an absentee *patrón*. Interestingly, people almost never call for an alternative that does not involve the state, despite the pervasive frustration and reported problems.<sup>101</sup> In other words, people (both indigenous and non-indigenous) are calling for the absentee *patrón* to make itself materially present through services and state employees. Whereas many indigenous movements in Latin America call for greater autonomy from the state (Gonzalez and González 2015), in the Paraguayan Chaco the call is for greater state presence considering its absence.<sup>102</sup>

---

<sup>101</sup> This claim is based on careful attention to radio broadcasts while I was conducting this research as well as my analysis of thirty-five recorded *Mundo Indígena* broadcasts specifically addressing the Inter-American Court cases.

<sup>102</sup> This is certainly the situation in the cases that have gone before the Inter-American Court and something I discuss in detail in the following chapter by examining the problems and politics of implementing the Court's judgments.

Yet, absence is what gives the state its presence. The material and practical absence of “the state” gives fodder to the regular hailings of the state on the radio and in daily life. Airing grievances on the radio functions as a form of citationality that reifies “the state” and constitutes it as a subject in the social imaginary of those who rehearse the citation. The act of admonishing the state is a narrative performance that functions as a form of pedagogy. Contributions by fellow indigenous peoples from across the Chaco teaches listeners how to navigate the challenges of becoming indigenous, what it means to be indigenous in relation to the Paraguayan state, and what the state should provide but does not. The message infiltrates everyday conversation and constructs an imaginary of “the state” as an actor opposed to and distinct from indigenous peoples and society at large. The generalized neglect of the Paraguayan state “provides a structure containing and giving order and meaning to people’s lives” (Mitchell 1991, 94, as cited in Sparke 2005, 125). “The state” becomes a unified target to which indigenous people mobilize resistance and critique in efforts to actuate their right to have rights.

Callers to *Radio Pa’i Puku* commonly cite “the state” (literally using the words “*el estado*”) as the culprit for problems, reinforcing the dualism of state and society. A selection of quotes I heard illuminates my point: “the state has never fixed the road so now we are here for over a month without any way to get food or to leave. There is water everywhere” (December 2015); “where is the state? They haven’t brought *teko porã*<sup>103</sup> for almost four months” (June 2015); “I am calling to say that the teachers aren’t here. The state doesn’t give them materials they need so they left to try and get them and haven’t been back for almost two months” (January 2016); “they [the political candidates] drive around and try to pay leaders to get their

---

<sup>103</sup> A government assistance program that provides bi-monthly funds to mothers for their school-aged children.

communities to vote. Meanwhile the kids don't have their school snack because the politicians sold the milk! This state has no shame!" (October 2015). The radio provides a key site for indigenous peoples to share their concerns and mobilize, but also provides a forum where callers conjure the state "as if it were a concrete entity, a thing, a constituted subject with its own identity" (Yeh 2013, 16). The state is not a *patrón* in the material sense that a *patrón* is a person, but the *state effect* creates an imaginary of "the state" as though it were a *patrón* in this sense. The material absence of the state provides the reference that indigenous *Chaqueños* use to call the state into existence.

The potential presence of the *patrón* is extremely important to how his power operates as a mode of governance in the space of the ranch. *Patrones* often govern their ranches from afar, appearing only when necessary or at their whim. The ranch and its activities must operate as if the *patrón* could arrive at any moment. The state-as-*patrón* embodies a similar power through withholding services and the predictable unpredictability of its interventions. Governing through withholding maintains an asymmetrical power relation that plays into the political patronage systems that continue to dominate Paraguayan politics.

The power of patronage systems was made all too clear to me when I witnessed the 2015 political campaign in the bajo Chaco, replete with visits by political candidates who had money and gifts to offer for votes. I was shocked at how open and well-known the system of vote-buying is and spoke directly with many of the candidates, some of whom even offered me money or food, which I refused. Many interlocutors from Xákmok Kásek reported that that political patronage is the norm every election cycle. Indigenous peoples are very much aware that the political process exploits indigenous socio-economic marginality. Political candidates pay for busses to pick up indigenous people from isolated communities and carry them hundreds of

kilometers to the nearest voting center, often leaving people in the sites days before the vote. Many people reported that if the candidate loses, they do not pay to take people back home. Sure enough, over the course of four days busses full of indigenous peoples passed Xákmok Kásek, making trips back and forth from the interior to Rio Verde and Pozo Colorado. Eventually, busses also stopped at Xákmok Kásek. Lack of land rights and/or employment maintains the material impoverishment of indigenous peoples and helps ensure that when the busses come people take the money; they take the food; and they get on the bus to go vote. When people returned from voting, each one had different goods they had purchased in town with the money they received for their votes. The state-as-*patrón* thus operates through withholding to maintain its relative power in relation to indigenous peoples in need.

I suggest that the act of regularly and verbally admonishing the state for its failures on the radio and also in daily conversation circulates and constructs an image of “the state” that is whole and in opposition to non-state indigenous actors. These recitations buttress “the state effect” by conjuring a figure of “the state” separate from and opposed to indigenous peoples (see Sparke 2005, 123). This move obscures the fact that indigenous peoples are also part of “the state” as its citizens, employees, and those who conjure “the state” into existence over the radio. Recitations of the state’s failures emerge from sites where the state is absent. The Paraguayan state remains pervasive in the expectations and imaginaries of its indigenous subjects and is conjured into existence through the crackly broadcast of faceless voices emanating from radios across the Chaco. The callers recognize their subjectivity in relation to the state—as victims of the state’s abuses, as the subjects of the right to have rights that the state is denying. The callers also call the state into existence.

## State-as-*patrón*

This chapter has argued for a conception of the Paraguayan state-as-*patrón*. By examining three examples of indigenous-state relations, I showed how patterns in the behavior of the Paraguayan state mimic many of the behaviors and qualities of the *patrones* who have historically controlled the Paraguayan Chaco. This chapter advances my broader argument that even though Enxet and Sanapaná are recognized as having rights, the Paraguayan government suspends those rights at its whim, creating liminal legal geographies and infrastructural violence. Chapter One showed that the Paraguayan government relied on *patrones* to territorialize the Chaco. The chapter also showed that indigenous labor was essential to making the material transformations for the Paraguayan state to territorialize that region. Chapter Two showed how Enxet and Sanapaná “became” indigenous through a new relationship to the state as rights-bearing subjects. The present chapter built from the previous two to show that the historic power of the *patrón* is reproduced through the state’s governance of indigenous affairs. The chapter shows that many indigenous people have come to know the state-as-*patrón* through repeated patterns of how the state governs indigenous affairs: unpredictability, “care,” and withholding.

The examples in this chapter begin with the most material presence of the state and move to a depiction of the state that is more ephemeral. My reasons for doing so are multiple. First, grounding an abstract concept like “the state” in material encounters with state effects shows how *mundane arrangements* shape how people come to know and imagine the state. Examining material and mundane encounters provides a means of “putting a face” on the state and thinking through patterns in actual interactions that Enxet and Sanapaná peoples have with what they identify as the state.

Second, I critically evaluated the state of emergency as a means of examining material practices of the state through a program designed to provide care for Enxet and Sanapana peoples. The example diversifies what can be considered “the state” and how the state periodically appears in the Chaco. The state is not just an actual *patrón* like President Cartes; it is also the effects of the *patrón*: a SEN truck driver, a bag of hardened flour that is delivered late, and uncertain results. SEN’s role in administering food rations also illustrates that the problems encountered at the INDI office are more widespread than just one institution, flagging systemic issues and patterns of behavior between state-indigenous relations. Third, listening to *Radio Pa’i Puku* illustrates the power and presence of the state even in its absence. The ability to make itself present and felt by citizens even when it is materially absent is the greatest power of the state-as-*patrón*.

Each of the examples is one of many mundane arrangements through which indigenous peoples come to know and conjure the state-as-*patrón*. Throughout the three examples, I employed Mitchell’s notion of the “state effect” (1991), Foucauldian notion of biopolitics (Foucault 2007; Li 2010a), and the archetype of the *patrón* to analyze how the state is manifest vis-à-vis indigenous peoples. Each example also illustrates how *patrones* seek to create an image that they care for indigenous wellbeing. For example, the INDI President’s suit, the information on the SEN website, and Eaton’s amicus brief each function to create a veneer intended to deflect attention from the fact that they regularly deny care. The denial of care creates a “need” for care that re-centers the *patrón* in the position of authority and power to administer such care. The relationship constitutes a crude biopolitics that shapes indigenous lives in these sites. Unpredictable state services and the regular recitation of the state as the absentee provider of care and potential to alleviate indigenous suffering, imbues the state with power over life. The



*patrón* also long held power over life on the ranches: human, bovine, and animal. As Eulalio claimed in Chapter Two: “if you died you died.” I am not arguing that the Paraguayan state governs indigenous life via a form of necropolitics (Membe 2003), nor am I claiming that there is an intentional “make live and let die” policy or approach to indigenous affairs. Instead, I followed Li (2010a) and Gupta’s (2013) contentions that biopolitical programs—be they the formation of INDI, Law 904/81, or the state of emergency—often have contradictory and unintended consequences. In these cases, the consequence is stealthy, silent violence and sustained indigenous marginality.<sup>104</sup>

---

<sup>104</sup> See also Li (2010a).

## CHAPTER FOUR

### Implementing Inter-American Court Judgments

The current chapter centers on the politics of the Inter-American Court judgments on behalf of the Yakye Axa, Sawhoyamaxa, and Xákmok Kásek cases. Each community independently petitioned the Inter-American System for arbitration in the early 2000s after exhausting all legal options to gain land rights within Paraguay. The Inter-American Court's judgments in 2005, 2006, and 2010 found that the Paraguayan state violated the human rights of each petitioning community (IACHR 2005, 2006, 2010; Open Society 2017). The Inter-American Court argued that the state's denial of communal property rights directly maintained the marginal living conditions of the Enxet and Sanapana. These conditions resulted in loss of life, undue suffering, and the inability to practice traditional cultural norms, thereby violating Paraguayan and international indigenous rights laws. In each case, the Inter-American Court ruled that Paraguay should implement specific measures of restitution and reparations to end the human rights abuses. I call the strategy that the Inter-American Court makes to mitigate human rights violations in each of these cases *restitution as development*.

Restitution as development centers on satisfying the original land claims of each community with the caveat that land alone will not stop socio-economic marginalization. The Court contends the Paraguayan state should couple the restitution of indigenous lands with the

payment of community development funds to create lasting material change to stop the socio-economic marginalization that created the human rights violations in the Paraguayan cases (IACHR 2005, 2006, 2010). The Court's recommendations for restitution as development are commendable. However, this chapter shows that the actual implementation of those recommendations by Paraguayan state authorities exacerbates the marginalization of each community. The Inter-American judgments intend to bridge gaps between indigenous rights in principle and in practice, between the *de jure* and *de facto* rights of the Enxet and Sanapaná.

I argue the Paraguayan state widens the gap by creating sites that are simultaneously in compliance with, and yet in violation of, the law. These sites are *liminal legal geographies*, produced by the law, but excluded from the law by persistent inconsistencies and the haphazard approach Paraguayan authorities use to implement select aspects of the Court judgments. Like the administration of the state of emergency discussed in Chapter Three, the implementation process is predictably unpredictable and frequently thwarts legal norms.

The Paraguayan state's haphazard rollout of restitution as development re-victimizes the Yakye Axa, Sawhoyamaya, and Xákmok Kásek communities by naturalizing the violence of life in the gap.<sup>105</sup> The gap is rooted in the contradictions of simultaneously having full recognition of rights by national and international authorities and not having those rights in practice. The result is a liminal condition where individuals and communities are simultaneously drawn into, and expelled from, the protections of the law. The effects of these liminal legal situations produce new forms of dispossession and maintain existing ones (see also Wainwright and Bryan 2009).

---

<sup>105</sup> The following chapter, Chapter Five, explicitly addressed naturalization of violence and dispossession produced by haphazard implementation of restitution as development.

Analyzing the implementation of restitution as development illustrates how the haphazard enforcement of the law exacerbates trauma in Yakye Axa, Sawhoyamaya, and Xákmok Kásek by constantly reinforcing their geographic, political, social, and economic marginality. I use the term haphazard because there is no clear plan, order, or direction that Paraguayan authorities follow to comply with the Court's recommendations for restitution as development. Like patterns that define the state-as-*patrón*, the Paraguayan state frames its interventions as demonstrative of its care for indigenous citizens. Yet, the interventions are careless and haphazard. I suggest that the haphazard way the Paraguayan state handles restitution as development is precisely what produces liminal legal geographies that marginalize and dispossess each community.

### **Critical legal geographies and multiculturalism**

Critical analyses of neoliberal multiculturalism and the “territorial turn” provide useful approaches to analyzing the problems and practice of indigenous rights in Latin America. Much of this scholarship analyzes the shortcomings of indigenous rights law and governance schemes intended to create greater inclusion and social justice. Scholars do so by showing that the centrality and coloniality of state authority is often unaltered by legal claims processes, land titling, and multicultural recognition (Hale 2005b, Postero 2007; Velásquez-Runk 2012; Anthias 2016). Critics show that land rights create autonomous spaces while making indigenous territories and populations more governable by state authorities (Hale 2011). Requisites to survey, demarcate, and map those territories, create governable spaces of indigeneity that may be incongruous with self-determination because they reaffirm the authority of the state over indigenous peoples (Watts 2003). The drive to “map or be mapped” thus renders indigenous

territories legible and visible to the state—they mobilize indigeneity as a logic for organizing and governing space (Bryan and Wood 2015, 174; see also Offen 2003; Bryan 2012). Finally, recognition requires new relationships with the state that facilitate a state’s ability to police “legitimate” indigenous identity and authorize who is or is not subject to rights (Muehlmann 2009, see also Hale 2005a; Blaser 2010). Many critical scholars question the ability of multiculturalism to create more inclusive societies and argue that the law is a tool that perpetuates colonial difference and power (Povinelli 2002; Egan and Place 2013; Coulthard 2014; Robertson 2015). This chapter builds on scholarship critical of multiculturalism and its relationship with development (e.g. Hale 2005b; Postero 2007; Blaser 2010; Bryan 2012; Muehlmann 2013). The effects of multiculturalism and indigenous rights law are thus demonstrably contradictory, simultaneously opening and foreclosing political possibility.

I am most concerned with understanding how these legal tools, practices, and mechanisms condition the possibility for social justice. Therefore, I turn to legal geography to investigate indigenous rights the law. Critiques of multiculturalism generally have not drawn from legal geography scholarship. Legal theorists have long conceived the law as defined by its antithesis, lawlessness (Blomley et al. 2001; Thomas and Galemba 2013). My analysis builds from scholarship that disrupts the binary notion of law/lawlessness by showing that the bifurcation of the two is never as neat as such a conception of the law would presume (see Blomley 2003; Heyman 2013; Galemba 2013; Braverman et al. 2014).

Legal geographers advance a distinct approach to socio-spatial and socio-legal processes. Their analysis centers on the presupposition that space and the law are mutually constituted with direct implications on socio-spatial relations and the operation of power (Blomely et al. 2001; Braverman et al. 2014). The field of legal geography is rapidly growing (Bennet and Layard

2015). However, current scholarship is still predominantly centered on issues in the global north (Delaney 2016) and largely overlooks multicultural policy and indigenous rights law. Recent scholarship by Egan and Place (2013) and Robertson (2015) are notable exceptions. I bridge the scholarship from two critical camps of social science—critiques of multiculturalism and critical legal geography—to show how co-constitutions of law, space, and society create geographies that are within *and* outside of the law. Liminal legal geographies are abundant and can be found in many sites. I explicitly focus on the liminal legal geographies produced by the struggles to implement the Inter-American Court judgments.

I employ the concept of liminal legal geographies in concert with other legal geography analytics. As a means of analyzing the co-constitution of space and law, Blomley (2003) employs the concept of the “splice” to challenge binary notions of law and space by instead arguing that the two are enmeshed. Delaney (2010) suggests that law and space are mutually constituted as *nomoscapes*: entanglements of law and space that have acute ramifications on the social and questions of justice. Both concepts attend more directly to spaces and socio-spatial relations that are rooted in legality (Braverman et al. 2014). I am concerned with geographies that are somewhere between the legal and illegal. I suggest that liminal legal geographies disrupt the law/lawlessness binary because they are always legal and illegal.

I use the notion of liminal legal geographies as a way of pointing attention to the border spaces produced through legal processes that lie simultaneously within and outside of the law

(see also Galembe 2013). These spaces are liminal<sup>106</sup> in the literal meaning of the word: “occupying a position at, or on both sides of, a boundary or threshold” or “relating to a transitional process.”<sup>107</sup> Liminal legal geographies are charged with political potential, but always oppressed by unpredictability; they are produced through the law, but drive new legal process and in turn lie at the intersections of social, spatial, political, and historic processes. If geography in its literal sense means “writing the world,” then a legal geography approach considers how the law writes the world in ways that have social, spatial, legal, and ontological consequences (Delaney 2010). I employ a legal geography approach to understand the limits of multiculturalism manifested through the Court cases and politics of implementing restitution as development.<sup>108</sup>

### **Restitution as development and the production of liminal legal geographies**

Restitution as development is the Court’s attempt to bridge the gap between de jure and de facto rights. In theory, the gap can be closed by advancing jurisprudence and mandating that guilty states make reparations and policy changes to improve the material conditions of life for victims of human rights violations. Restitution as development intends to alleviate the specific

---

<sup>106</sup> I recognize that liminality and “the liminal” are widely used concepts in socio-cultural anthropology (see e.g. Turner 1977, 1979; Bhaba 2007; Thomassen 2009). I am not engaging those debates and instead employ the word literally.

<sup>107</sup> Merriam-Webster Dictionary of the English Language, s.v. “liminal.”

<sup>108</sup> This approach informs my understanding of how writing the world through the law creates new worlds (see Delaney 2004, 2010) and colonizes others (see Coulthard 2014). I see the law as a field of political struggle that has much to do with ontology and the hegemony of modernity and the statist system as the mediator of social justice.

problems of land rights and socio-economic marginality in each community. But the Paraguayan state's haphazard approach to implementing restitution as development has exacerbated the marginalization of the Enxet and Sanapana. In the pages that follow, I evaluate key parts of the implementation delays to show how liminal legal geographies re-victimize the Yakye Axa, Sawhoyamaya, and Xákmok Kásek communities. I specifically focus on land rights and healthcare because of their significance to the three cases.

My analysis of the empirical problem of implementing restitution as development in Paraguay opens a conversation between critical legal geographers and critical studies of multiculturalism. Scholars have made invaluable contributions to our understanding of the limits of social justice and possible postcolonial futures for indigenous peoples in the Americas (Hale 2005a; Postero 2007; Blaser 2009; de la Cadena 2010; Bryan 2012; Cusicanqui 2015). On the other hand, research in critical legal studies offers analytical tools to prize apart the spaces between the legal/illegal binary and consider the intimate relations between the creation, destruction, and dynamism of space, law, and social justice (Mitchell 1997; Blomley 2003; Delaney 2010; Thomas and Galemba 2013; Galemba 2013). By fostering a conversation between these two disparate fields of social science, I analyze the politics of indigenous rights by centering on the co-constitution and complexities of the spatial, legal, and social.

***Yakye Axa: "An island surrounded by private property"***

In the Enxet language, "yakye axa" means palm island and is a geographic location of historic and cultural import to the Yakye Axa community that bears the same name. The Yakye Axa community used Law 904/81 to petition the Paraguayan state for land rights in 1991. Law 904/81 outlines how indigenous peoples can claim lands for restitution within their ancestral territories. The Yakye Axa community used the law to make a claim for the entirety of the Loma



Verde cattle ranch that had enclosed the site and community of Yakye Axa. Descendants of the present-day Yakye Axa community labored on the land they claim since the establishment of the Anglican mission-ranch “The Pass” in the early 1900s (see Chapter One). After years of negotiations and a failed expropriation attempt, the owner of Loma Verde expelled the community from the ranch, effectively forcing the eighty-five families that comprised Yakye Axa to resettle in front of the ranch and the lands they claim.

The space occupied by the community since dispossession from the ranch in 1991 is marginal in every sense of the word—it is situated on the margin of a highway, a space approximately seventy-five feet wide (see Figure 11), where there is no viable agricultural land, source of drinking water, or access to hunting and fishing. The challenges created by the material geography of Yakye Axa are well-known and documented by the Inter-American Court, Paraguayan authorities, and *indigenista* organizations.<sup>109</sup> Nevertheless, state authorities neglect resolving the community’s claim despite having purchased land for the Yakye Axa community in 2012.

---

<sup>109</sup> See IACHR (2005); Tierraviva (2014); SIMORE (n.d.); Amnesty International (2017); Open Society (2017).



Figure 11. A view from Yakye Axa as a *trasganado* passes. The house on the right is built against the fence (not visible) that separates the community from its original land claim. The packed earth in the foreground turns to mud in times of rain (photo by author).

Seven years after the Inter-American Court judgment, the Yakye Axa community agreed to accept an alternative parcel of land because Paraguayan authorities were unable to negotiate the purchase of the originally-claimed Loma Verde ranch. The community accepted the offer of alternative land contingent on the timely construction of a road to access the land. The closest public road is thirty-five kilometers from the alternative land the Yakye Axa community accepted. During our conversations, community members recalled having a strong desire to leave the side of the highway and voted to accept the alternative land because they believed the Paraguayan state would build the road. In annual reports to the Inter-American System,

Paraguayan authorities tout the purchase of the land as a key aspect of complying with the Court's judgment.<sup>110</sup> The reports fail to mention important details: the land is sixty kilometers from the current location of Yakye Axa and there is no access road.

The only way to access the Yakye Axa property is by private roads that cross a patchwork of private property defined by a grid of fences and locked gates. If the community were to relocate to the property, they would not be able to leave because the parcel is enclosed by at least twenty kilometers of private property in every direction (see Figure 12). A veritable sea of property surrounds the Yakye Axa land that renders the new palm island inaccessible. *Colonia 96* and *Buena Vista*, indigenous communities located next to the Yakye Axa property, experience the same challenge. *Colonia 96* and *Buena Vista* are often trapped on the land the state provided them because there is no public access road. The SEN helicopters that periodically deliver emergency food provisions to the community during the rainy season underscore the seriousness of not having a road.

---

<sup>110</sup> I received copies of some of these reports from functionaries working for the Ministry of Justice, the Office of the Vice President of Paraguay, and Tierraviva.

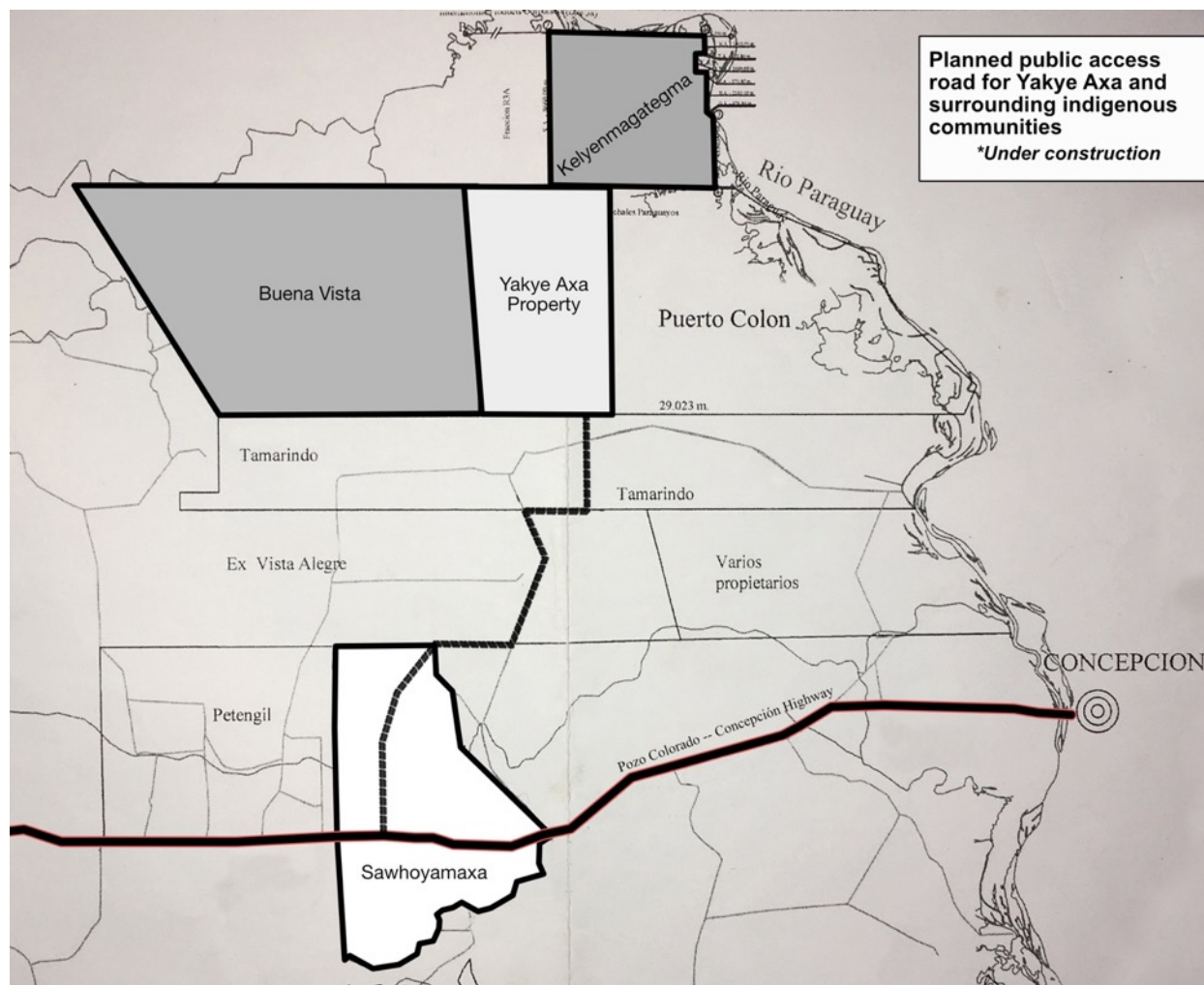


Figure 12. Map depicting location of Yakye Axa, surrounded by private property. The dashed line that crosses Sawhoyamaxe is the planned route of the access road that has been under construction since June 2016. I altered the original map to occlude sensitive information that it contained. I received the base map from a source working for the Paraguayan government. Note that Kelyenmagategma lies to the north of the Yakye Axa property and that Buena Vista to the west is another indigenous community

In March 2015, I accompanied members of Yakye Axa with their legal counsel and state officials<sup>111</sup> on a trip to investigate and map a potential route to construct the necessary access

<sup>111</sup> The officials included two police officers and representatives from MOPC and INDI.

road. The thirty-five-kilometer trip took over three hours. Subject to annual flooding and generally only transited by ranch staff traveling on motorcycle,<sup>112</sup> the roads were in poor condition and impeded the progress of our pickup-truck caravan. Our route required crossing through five locked gates, which we were only allowed to pass through because of court orders issued by the local district attorney. Each locked gate marked a distinct ranch and blocked our passage. To pass through each gate, we had to stop, search for, and negotiate with a gatekeeper. At times the negotiations were fraught and the gatekeepers leery, but we slowly progressed (see Figure 13).<sup>113</sup>

---

<sup>112</sup> Ranch owners often access their properties in this area by private airplane. Cattle are often transported by boat down the Paraguay River to slaughterhouses or loaded on trucks for long-haul freighting.

<sup>113</sup> Ranch staff who were generally located within a kilometer of the gate in a small house.





Figure 13. Negotiating with a gatekeeper on the way to the Yakye Axa land. Tierraviva lawyers negotiated the passage (photo by author).

In this area, like most of the Chaco, the presence of state officials is highly unusual and ranch staff were resistant to letting us pass. The power of state law is largely absent in the Chaco—an area where cattle ranchers have had near total control over life, land, and daily activities since colonization at the turn of the twentieth century. Perhaps not surprisingly, the Los Tamarindos ranch that borders the Yakye Axa property was by far the most resistant to our presence and requests to cross their land. The ranch owner made us wait for over an hour in the sweltering sun as he argued with Yakye Axa’s legal counsel, despite court orders granting us free and legal rights to cross Los Tamarindos on our way to the Yakye Axa property. The rancher threatened to deny us passage and proclaimed he was the authority in the area—not the state. The

silence of the local police officers who accompanied us was telling, underscoring the fact that despite the court orders they were unwilling to challenge the authority of the ranchers. The silence of the police officers reinforced the power of the ranchers over the state in that moment and territory. Eventually, the legal counsel from the NGO Tierraviva talked the rancher into letting us pass. However, before we left, the rancher once again stated that he would not give permission to “*indios*” (sic) or *indigenistas* to cross his land in the future no matter what state authorities said, underscoring the lasting authority of *patrón*-peon relations. Finally, with the rancher’s permission, we proceeded the final twelve kilometers across Los Tamarindos before arriving at the Yakye Axa property.

Riding in the back of one of the trucks as we returned from visiting the property, a man from Yakye Axa commented to me: “in the Enxet language yakye axa means palm island. The state couldn’t buy us the land we originally claimed where Yakye Axa is, so now we have a different island. It is an island surrounded by private property.”<sup>114</sup> Without a viable access road, the land serves a constant reminder of the liminality of rights enshrined and denied. The encounter at Los Tamarindos highlighted the liminality of state law in the interior cattle ranching territories of the Chaco. Our trip reinforced the importance of building a public road the community can use to access its land. Yakye Axa remains stuck on the margin of the highway because MOPC has not built the access road.

Living conditions along the highway are precarious. There is no access to reliable drinking water, no space for subsistence agriculture, and state services are all but absent. Cargo

---

<sup>114</sup> Handwritten fieldnotes: March 25, 2015.

trucks hauling cattle, Coca-Cola, and contraband careen down the highway, occasionally striking and killing or maiming people—especially children because there are few other spaces to play.<sup>115</sup> Community members have historically been prohibited from crossing the fences of the ranches that border these spaces to hunt, fish, or fetch firewood and water by “*matadores*” (literally, killers)—armed ranch staff who patrol ranch boundaries on horseback with orders to shoot trespassers (see also IACHR 2005).<sup>116</sup> The land floods because the highway traps water during the regular torrential downpours, turning the space into a mud pit. An elderly woman described the conditions like this:

*We live in a pig pen!* When it rains there is mud everywhere. My house is full of mud. Just like pigs. That is how they [state officials] think of indigenous people, like we are animals. They leave us here to suffer instead of giving us what the law says is ours—our land. We cannot live in peace.<sup>117</sup>

The thought that land “belongs” to the community but there is no way to access or utilize that land serves as a daily reminder that the Paraguayan state plainly does not care for their wellbeing. The community has its own volunteer health worker. She told me that since the state purchased the land in 2012, multiple community members have died or been seriously injured due to lack of medical services; people often lack food and are periodically struck by passing vehicles. While sitting on the side of the road together and waiting for the noise of a passing truck to die out, a community member asked me a question that captures the trauma of this daily violence: “how can they [the state] just leave us here? They bought us land, but left us here to

---

<sup>115</sup> Numerous people reported these conditions to me during interviews I conducted with Yakye Axa community members in 2015 and 2016. See also the Court’s judgment (IACHR 2005).

<sup>116</sup> Many elderly people in Sawhoyamaya still fear the *matadores*, claiming that they sometimes patrol the forests making it dangerous to venture deep onto the land and to historic gravesites and agricultural areas.

<sup>117</sup> Handwritten notes: July 1, 2016.



suffer. How many more have to die before they finally build the road? How long do we have to keep suffering? We never know what is going to happen.”

The gap is both a figurative and literal way that I think about the problems created by the implementation process. The gap can be thought of as the space between recognition and the perpetual denial of rights, but also living on the margin between the highway and a fence that separates you from the lands you claim. But the gap is also very much a temporal condition. The Inter-American Court set a three-year limit for the Paraguayan state to implement all measures of each judgment, creating a firm expectation on behalf of the claimant community members. With each passing year that state officials do not comply with the Court or effectively implement its judgments, the feelings of neglect and destitution on the part of claimant community members grows. The gap in time, from the beginning of the land claims in the late 1980s-early 1990s, to the issuance of the Court judgments in 2005, 2006, and 2010 until the present day political wrangling to implement the judgments represent a significant period of waiting that defines the gap as much as the material spaces that each community occupies does.

Numerous members of Yakye Axa described life in the gap literally akin to living in a prison: “There is nowhere to go when you live on the road. No work to do. Nothing. It [life on the side of the road] is the same as being in prison. There is no future on the side of the road.” Indigenous dispossession is maintained by the implementation delays and the unpredictability of restitution as development re-victimizes community members daily. The liminal legal geography of Yakye Axa—a community with and without land, with and without rights, and geographically on the border of legality and illegality while situated in the margin of a highway—highlights the perpetual unpredictability of life in the gap.

***Sawhoyamaxe and the law of expropriation: “Will we be forced to leave?”***

On March 21, 2013, approximately 60 families from Sawhoyamaxe decided to cut and cross a wire fence that separated them from the lands they have officially claimed since 1992. The fence had bound the Sawhoyamaxe community between the highway and the land they had claimed from the state, not unlike the circumstances in Yakye Axa. When the Sawhoyamaxe community cut and crossed the fence, they reoccupied land the Inter-American Court recommended Paraguay expropriate in its 2006 judgment. The land reoccupation was a calculated political strategy made to pressure the state to enforce the 2006 judgment. The re-occupation was an act intended to liberate the community from the margin of the highway: a space many community members equated with incarceration. At a meeting with people from Yakye Axa, Xákmok Kásek, and Sawhoyamaxe, one Sawhoyamaxe leader reflected on his community’s decision to reoccupy the land they claim:

Living on the side of the road for over twenty years was prison. Until we reoccupied our land we lived in prison. People got sick. They died. We suffered every day.... The state didn’t do anything. So, we had to reoccupy our land. We don’t have the title yet, but now we are free from the road.<sup>118</sup>

In 2014, one year after the reoccupation, and with an intensive campaign involving Yakye Axa and other allied indigenous communities and *indigenista* NGOs, President Horacio Cartes signed Law 5124/14 to expropriate the 14,404 hectares the community has long claimed. Broadly hailed as a watershed moment for indigenous rights in Paraguay,<sup>119</sup> to date the law has

---

<sup>118</sup> Handwritten fieldnotes: December 10, 2015.

<sup>119</sup> This was the first time such an expropriation had taken place in the country’s history. The Inter-American Court judgment did not specify that the state must expropriate the land. *Grupo Liebig* refused to sell the land and the

been little more than symbolic. State officials have yet to enforce the expropriation.

Cattle ranchers still occupy the main ranch house, regularly harass community members, and sometimes threaten them with violence. One such incident was captured on film June 17, 2015 (Tierraviva 2015), when approximately thirty-five community members, accompanied by their legal counsel and Paraguayan police, peacefully approached the ranchers to request they leave the premises in accordance with Law 5124/14. Luis Britez, the administrator of the Loma Porã ranch, drew a pistol from his holster and aimed it pointblank at one of the community leaders, threatening to shoot him and refusing to leave the ranch house (see Figure 14). The police who witnessed the event did nothing to reprimand the rancher or punish his actions, despite the illegality and gravity of the situation. As of July 2017, ranch staff remain in the house. The local district attorney has not taken actions against the administrator for his threat of deadly force, despite formal complaints, witness testimony, and video footage of the incident.

---

Sawhoyamaxa community refused to accept any other parcel of land. However, the claimant community built support in the Paraguayan Senate after years lobbying and a focused political campaign organized by the Sawhoyamaxa community, Tierraviva, and Amnesty International. In 2014, the Paraguayan state opted to expropriate the land in the name of “public interest,” making a rare challenge to the private property rights of ranchers.



Figure 14. Ranch administrator Luis Britez putting his gun back in the holster after pointing it at a leader of Sawhoyamaxa (unarmed) wearing the green shirt. Note that a police officer is confronting another leader of the community (far right looking at camera). Image courtesy of Tierraviva with original filming by Olga Khrustaleva.

The incident underscores the power of cattle ranchers to violate state law with relative impunity, creating their own regimes of socio-spatial order and authority. Numerous studies show that large landowners often commit violent acts against indigenous peoples with relative impunity, especially in remote areas of Paraguay where many landowners govern by their own set of rules (UN 2015; Quiroga and Ayala 2015; Mendieta 2015). The incident with Luis Britez viscerally underscores the fact that Sawhoyamaxa simultaneously has full recognition of rights—from the Paraguayan constitution, 2006 Court judgment, and law of expropriation—but those rights are not enforced. They remain in a liminal legal state where their rights are, and yet are not, ensured. Despite the official power of Law 5124/14, the Paraguayan state has been unwilling to enforce the terms of the judgment.

The details of the expropriation process and politics to date are revealing. *Grupo Liebig*,

the company that owns the properties expropriated to Sawhoyamaxa, refuses to cede the land title to the community. *Grupo Liebig* challenged the constitutionality of Law 5124/14 twice on the grounds that the Paraguayan state is violating the company's right to private property. In Paraguayan law, the state cannot expropriate lands that are "rationally exploited." The notion of *rational exploitation* is sufficiently vague to encompass nearly any form of use, but in the context of Paraguayan law and legal norms it generally means land that is under economic production (CODEHUPY 2013). The notion of rational exploitation requires that landowners make material improvements to their land to justify ownership, ostensibly ensuring that investors do not maintain *latifundias*. The rational exploitation of land speaks to debates about agrarian political economy and the valuation of land and resources over the use-value or social meaning and significance of land (see e.g. Polanyi 1946; Wolford 2010).

The 14,404 hectares that the state expropriated are part of a 60,000-hectare ranch owned by *Grupo Liebig*, specifically the companies Kansol S.A. and Roswell S.A. However, *Grupo Liebig* maintains that they rationally exploit the land and that the state cannot expropriate it. The primary administrator for *Grupo Liebig* shared several documents with me that detail the company's argument in opposition to the expropriation. The documents include many photographs of material improvements to infrastructure that connote the investments the company has made to "improve" the land. While there certainly has been a significant economic investment in creating a landscape amenable to cattle production, *Grupo Liebig's* arguments strike at the core of differences in what constitutes "rational use." The company appropriates the land under the auspices that economic production contributes broader social good. However, the Sawhoyamaxa community conceives the value of the land differently, in lines with its historic import to the very identity of the community *as well as* its use value for social reproduction.

During my field research, I often heard Sawhoyamaxa community members rhetorically ask, “Why does one man [the owner of the company] need 60,000 hectares of land, when we are a community of over 100 families that has no land?” Paraguayan laws maintain the tension between different conceptions of land, holding clauses about rational exploitation,<sup>120</sup> but also acknowledging that land has cultural and spiritual importance to many indigenous peoples.<sup>121</sup>

The Paraguayan Supreme Court found the expropriation to be constitutional and in the imperative of public interest. The legal counsel for Sawhoyamaxa, Tierraviva, utilized arguments outlined in the Inter-American Court judgment on the Sawhoyamaxa case to support their arguments before Paraguayan Supreme Court in favor of upholding the law of expropriation. In their ruling on the Sawhoyamaxa case the Inter-American Court argued that the constitutional rights of indigenous peoples—specifically collective ownership of land—preceded that of a property holder:

This argument [about rational exploitation negating rights to expropriation] lodges the idea that indigenous communities are not entitled, under any circumstances, to claim traditional lands when they are exploited and fully productive, viewing the indigenous issue exclusively from the standpoint of land productivity and agrarian law, something which is insufficient for it fails to address the distinctive characteristics of such peoples (IACHR 2006, 76).

The Inter-American Court made this argument in response to the failed attempt to expropriate the same land in 2001. The Paraguayan Senate sided with ranching interests and a strict interpretation of “rational exploitation” in the 2001 expropriation attempt, effectively condemning the Sawhoyamaxa community to continue living on the side of the highway.

---

<sup>120</sup> See Law 1863, Article Four.

<sup>121</sup> See Chapter Five of the National Constitution and Law 234/93 that ratifies the ILO 169 as Paraguayan law.

Despite the new legal strategy and stance by the Paraguayan state, *Grupo Liebig's* constitutional challenges reveal the fragility of Paraguayan law. The fact that the Supreme Court heard the same case twice eschews all legal norms and protections against double jeopardy, bringing into question the very validity of the law. Indeed, these actions reflect a broader trend of haphazard behavior on the part of the Paraguayan state regarding the law and citizen rights.

State officials deposited funds into a bank account in 2014 to purchase the land from *Grupo Liebig*. The company refuses to take the funds and transfer title to the community. Although Law 5124/14 explicitly declares the land expropriated to the Sawhoyamaxa and names them owners of the 14,404 hectares in question, *Grupo Liebig* still legally owns the land because the company has not ceded title or received payment. State authorities refuse to force *Grupo Liebig* to transfer the property title to Sawhoyamaxa or to dispossess ranch staff from the land, sending mixed signals to community members about the fate of their land rights. State authorities claim they have done everything possible to advance the case by passing Law 5124/14, upholding the constitutionality of the law two times, and deflecting responsibility to *Grupo Liebig* to accept payment for the land.

The Paraguayan state's handling of the Sawhoyamaxa expropriation exemplifies two common themes that underscore the implementation process: imaginaries of care and predictable unpredictability. The law of expropriation is a major advancement in indigenous rights, with leading international indigenous rights NGOs calling Law 5124/14 an "incredibly important achievement" in implementation (ESCR-Net 2016). Still, I suggest that lack of action to enforce Law 5124/14 demonstrates that expropriation has served as little more than a hollow gesture for Cartes' administration to deploy an image of care.

I suggest that this is another example of how rights and legal actions claim to change

everything, but often result in maintaining the same power relations and systems of socio-spatial organization. The state has the legal authority to force *Grupo Liebig* to accept the payment and surrender the title but does not do so. The actions of the state ostensibly change everything, but in practice little has changed to challenge the power of the *Grupo Liebig* ranchers. The law of expropriation maintains property as the solution without radically altering socio-spatial relations between the community and the company (see also Wainwright and Bryan 2009). The years following the expropriation highlight the influence of the cattle ranching industry on the Paraguayan judiciary and function of law at the expense of indigenous rights and different socio-spatial relations.

The passage of Law 5124/14 undeniably advances the de jure rights of the Sawhoyamaxa community, but, upon closer examination, the law highlights the liminal condition of life in the gap because it serves as a constant reminder the protections promised by the law have not come to fruition. People from thirty-five households (out of sixty that I contacted) in Sawhoyamaxa raised questions deliberating if the ranchers would inflict violence and forcibly dispossess them of the land. One of the eldest members of the community, *Karai* Teofilo, asked “will we be forced to leave?” I repeatedly heard iterations of his question across Sawhoyamaxa. The liminal legal geography created by simultaneously having and yet not having rights is a malignant form of recurrent dispossession that perpetuates an uncertain future.

The liminal legal geography of having de jure, but not de facto, land rights unites the Yakye Axa and Sawhoyamaxa cases, both literally and figuratively. More than four years after purchasing the Yakye Axa land, the Ministry of Public Works (MOPC) finally began construction of the Yakye Axa access road in June 2016. The road cuts through the middle of the 14,404 hectares of land expropriated to Sawhoyamaxa (see Figure 12). The MOPC is building



the road with permission from the Sawhoyamaxa community and in opposition to *Grupo Liebig*.

Despite the construction, the question of land ownership has not been resolved. The land remains under varying degrees of control by each group: de facto for Sawhoyamaxa and de jure for *Grupo Liebig*. When completed, the road will connect Yakyé Axa and Sawhoyamaxa; it was scheduled to be finished by December 2016. At the time of writing this chapter, MOPC has only completed seven kilometers of the dirt road that passes through the land expropriated to the Sawhoyamaxa community. With over twenty-six kilometers left to construct, state authorities have yet to expropriate the right-of-way necessary to traverse the patchwork of private cattle ranches that lie between each community's land. The examples I have detailed contradict official Paraguayan state reports that it is satisfactorily implementing the Inter-American Court judgments. Instead, they exemplify the state's lack of willingness to uphold the rights of its indigenous citizens and undermine the image of the state as a benevolent *patrón*.

The Yakyé Axa land purchase and the Sawhoyamaxa expropriation suggest that the state is more concerned with the image of complying with the Inter-American Court and guaranteeing rights than ensuring rights. Ironically, the very pattern of behavior exhibited by the state in the implementation process is precisely what led the state to face the Court in the first place. The adoption of indigenous rights and multicultural policies juxtaposed by the regular denial of those rights opened the legal avenue for Yakyé Axa, Sawhoyamaxa, and Xákmok Kásek to take the Paraguayan state to the Inter-American System for adjudication. The Inter-American Court is aware of the persistent problems implementing restitution as development in Paraguay. But, there is little the Inter-American Court can do to enforce its judgments other than issue official admonishments of the Paraguayan state. To date, the steps Paraguay has taken to implement restitution as development in Yakyé Axa and Sawhoyamaxa have done little more than to remind

each community of its marginality in relation to the state.<sup>122</sup>

***Xákmok Kásek and Kelyenmagategma health posts: “It’s nice...but, just a senseless building”***

The Inter-American System also arbitrated on behalf of the Enxet and Sanapana due to serious healthcare problems created by the lack of land rights. Dispossession and the everyday conditions of life accompanied by it created serious and persistent health problems in each claimant community (IACHR 2005, 2006, 2010). The Court found Paraguay responsible for numerous deaths in each community because the state never adjudicated or advanced the land claims.<sup>123</sup> During the many months that I lived in these communities and repeated visits between 2013-2016, I heard countless testimonies about, and have been witness to, the widespread health problems people endure.

Without unnecessarily dramatizing the issue, I highlight one particularly stark but commonplace example. In March 2015, I visited Yakyé Axa with the community’s legal counsel. Shortly after arriving, we sat with members of the community in the margin of the highway drinking *tereré* when a man casually mentioned that a woman was having complications with her labor, which was taking place on the dirt floor of the community school. The woman had been waiting over five hours for an ambulance to arrive. The ambulance never came, despite Ministry of Health commitments to provide emergency ambulance service to the community. Aside from

---

<sup>122</sup> Nevertheless, the judgments are extremely significant to each community, serve as an undeniable vindication of their efforts, and are the source of great pride for many community members.

<sup>123</sup> Community members claim many more people perished than what the Court recognized in its judgments, but they lacked the necessary government-issued documentation to prove their birth and/or death.

a handful of motorcycles there was no adequate transport to take the woman to the hospital. The baby was breech, threatening the life of mother and child. We loaded the woman on her mattress into the legal counsel's truck and they took her to the hospital, eighty-five kilometers away. I later learned that hospital staff scolded the mother for not having arrived earlier before they proceeded to conduct an emergency cesarean section, which saved both lives.

This example is extreme, but not unusual. Health crises like the one described regularly occur due to geographic isolation and lack of access to medical care. When I visited Yakyé Axa in July 2016, I had to drive a man to the same hospital in *Concepción* because his leg was crushed during a logging accident; the ambulance the community requested to take him to the hospital never arrived. Eighty-five percent of respondents in 100 open-ended interviews I conducted across Xákmok Kásek and Sawhoyamaxa commented that the lack of access to medical services, medicine, and/or emergency services had adversely affected their household wellbeing and led to serious health issues. I conducted these interviews for two reasons. First, to evaluate if and how the Paraguayan state had implemented measures to increase access to healthcare, emergency services, and necessary preventative medicine in accordance with the Court's judgments. Second, because each community requested I compile health data they could use to quantify the extent of recurrent health problems due to a lack of state services. Resoundingly, respondents stated that save for random visits by nurses, there had been no qualitative change in their ability to access health services since the Court issued its judgments in 2005, 2006, and 2010.

In accordance with the Inter-American System's concern for the issue of healthcare, the Paraguayan state constructed two large and well-equipped health posts: one for Xákmok Kásek and one for Kelyenmagategma. The Kelyenmagategma case was resolved by the IACHR in 2011

and never advanced to the Court. I include an example from the Kelyenmagategma case here because it is highly relevant to the issue of implementing recommendations by the Inter-American System regarding indigenous health and human rights.

The two health posts are nearly identical. Each one is outfitted with six rooms—for general checkups, childbirth, minor surgery, or overnight stays—and all the necessary medical supplies for such procedures. They have rainwater catchment systems and one is outfitted with a state-of-the-art solar array to generate power. Construction and outfitting of each building cost approximately \$100,000 USD. Like the purchase of land for Yakye Axa, Paraguayan authorities technically complied with the IACHR and Inter-American Court recommendations to build health posts that serve indigenous peoples in Xákmok Kásek, Kelyenmagategma, and the surrounding communities. State officials consider the buildings a success and share information about them in official reporting to the Inter-American System.

The reports do not detail the fact that doctors and trained medical practitioners do not regularly receive and treat patients at the health posts. Moreover, the health posts are not regularly supplied with medicine. On my two visits to Kelyenmagategma,<sup>124</sup> there was never any medicine save for a full-size refrigerator that only had two vials of snakebite anti-venom inside. The Xákmok Kásek health post, on the other hand, was full of medicine, but most of it had expired. Community members in Xákmok Kásek and Kelyenmagategma unanimously reported that they never know when doctors will be present in the facilities, if one is coming, and how long she or he will stay to treat patients.

---

<sup>124</sup> In October 2015 and again in January 2016.

During one of my visits to Kelyenmagategma a man told me “there is no reason that this [the health post] is here. It looks nice. It has solar panels. We use the tanks [rainwater collection system] for drinking water. But the building is empty and no one is ever here to treat the sick. It is just a senseless building”<sup>125</sup> (see Figure 15). The same applies to the health post built for Xákmok Kásek. Despite having health posts in both communities, community members must either find a boat to travel seventy kilometers downriver or a truck to travel over fifty kilometers to access the nearest health services—a feat that is often impossible due to expense and the lack of viable transportation options. Furthermore, the Xákmok Kásek health post is not actually in the community but instead was constructed in 25 de febrero.



Figure 15. The Kelyenmagategma health post. Note that the name on the building calls the location *Caraya Vuelta* (monkey turn) and not Enxet name for the community (photo by author).

Like the law of expropriation in Sawhoyamaxa and Yakye Axa’s new island surrounded by private property, the health posts serve as a constant reminder of what could be, but never is,

---

<sup>125</sup> Handwritten fieldnotes: October 7, 2015.

or is not yet. They are examples of the liminal—always on the boundary and just at the point of transition, but never knowing when that state of being will change; in other words, never knowing when rights will be realized. The buildings are the façade of rights guaranteed. Behind the façade are just empty, senseless buildings because state authorities persistently fail to put their potential and intended purpose into practice. Rather than serving their purpose, the presence of each building serves as a reminder of the state’s neglect of its indigenous citizens—a common theme that traverses each of the cases I have discussed in this chapter. The arbitrary access to medical services that occurs in each site further exemplifies that the only thing predictable across these sites is unpredictability. Unpredictability exacts a violent toll on the physical and psychological wellbeing of people who need medical services but only find an empty health post or an ambulance that never arrives.

### **State resistance, trauma, and the question of “political will”**

The Paraguayan state’s actions toward indigenous peoples are vexing, almost schizophrenic. The state continues to officially proclaim and develop its body of indigenous rights law and multicultural policies yet regularly denies those rights in practice. State officials could choose to deny the authority of the Inter-American System and its judgments on the Enxet and Sanapaná cases. This highlights the limits of the Inter-American System’s jurisdictional authority to directly intervene in national affairs.<sup>126</sup> As mentioned in the Introduction, the Inter-

---

<sup>126</sup> See the Inter-American Convention on Human Rights.

American System can arbitrate on behalf of abuse victims and monitor implementation progress, but implementation is the sole responsibility of the violating state. But instead, state officials proceed with the implementation process in haphazard and incomplete ways that produce new forms of trauma and human rights violations. The illogic of Paraguay's approach to *restitution as development* produces liminal legal geographies that create recurrent trauma through persistent unpredictability:

We feel like they [the state] tricked us! They said if we took the alternative land, we would be able to move there soon. It has been four years and we are still here on the side of the road! My father's bones are now buried here! He will never get to go there because they make us wait here, suffering. How long must we suffer here?!<sup>127</sup>

Jorgelina, a member of Yakye Axa, shared the comment with me during a community meeting on the side of the road. A semi-truck carrying cattle to the slaughter drove by, kicking up dust, and threatening to drown out Jorgelina's testimony with the sound of the motor grinding, cattle mooing in protest, and metal chains clanking as the truck bounced over the pothole-ridden road. As the red dust settled and the truck rolled on, the only sound that remained in the air was that of a dozen people weeping while many who were in attendance looked off with defiant, distant gazes. After a few minutes of silence, I asked if everyone wanted to continue with the meeting or if we should stop. The resounding answer was no. Jorgelina and others wanted to continue and share their experience; they requested I share this information because state authorities have "abandoned the community." "They [state authorities] never come anymore. We see them drive by, but they never stop. They have forgotten about the indigenous.

---

<sup>127</sup> Recorded interview: July 2, 2016.

They don't care about us.'"<sup>128</sup> The haphazard implementation of restitution as development has created liminal legal, material, and affective spaces in all three Inter-American Court cases.

***Why does Paraguay resist the Inter-American Court recommendations for restitution as development?***

I regularly asked study participants to share their thoughts as to why state authorities so persistently resist implementing restitution as development. The overwhelming response was that the problems of implementation stem from a lack of political will (see also UN 2006). The notion of political will came up frequently, in casual conversation or when I asked interviewees to explain why they thought implementation delays are so prevalent.<sup>129</sup>

The explanation was pervasive and mobilized in nuanced ways. Indigenous peoples most often deployed the term to admonish the state's lack of care for indigenous rights and its role in maintaining discrimination and economic marginalization. *Indigenista* NGO actors often used the phrase to argue that the state is ambivalent to the suffering of the indigenous because the landed interests (i.e. the ranching and export-agriculture industry) exert significant political influence over state officials. Ranchers, whose lands are intended as the restitution for each of these communities, used political will to indicate that the Paraguayan state was incapable of enforcing its own laws—whether those laws regard private property or indigenous rights. State

---

<sup>128</sup> Recorded interview: July 1, 2016.

<sup>129</sup> The discourse of political will was evident in from fifty-eight semi-structured and informal interviews that include the following actors: Senators (n=3); mid-level bureaucrats working for the Supreme Court (n=1), Ministry of Justice (n=2), Institute for Indigenous (n=4), Institute for Land and Development (n=1), Ministry of Foreign Affairs (n=2); representatives of the Senate and House of Representative Commissions on Indigenous Affairs (n=2); indigenous rights NGOs (n=8); Paraguayan academics (n=4); members of each claimant community (n=23 total); and members of other indigenous communities in the study region (n=10).



actors most often used the term to justify their personal lack of action on the issues by blaming the delays on structural problems, or to express frustration at the broader institutional limits of the Paraguayan state.

The widespread use of “political will” by each of these actors is revealing, particularly because the actors are positioned in very different relations of power with or within the state and to one another. But I suggest that political will points to much greater problems than the technical or policy issues that former United Nations Special Rapporteur for the Rights of Indigenous Peoples, Rodolfo Stavenhagen, suggested (UN 2006). The ubiquitous circulation of this discourse and the power it affords different actors ultimately leads to the question: how are implementation delays depoliticized and with what effects on indigenous rights in practice?

### *Theorizing political will in an era of implementation delays*

Explanations of political will suggest that if there were the *right* amount of it (for certainly there is some) then the situation would be different: the state would comply with the Court and its multicultural policy to support indigenous rights. Another way of stating this is that it is a question of aligning policy, technical expertise, and the support of civil society to not only pressure but also work with the state on these issues. This is only partially true. If the priorities of the Paraguayan state were to uphold its laws and responsibilities toward indigenous peoples and the Organization of American States, then implementing the Court judgements would arguably have been a quicker and more effective process. Moreover, the Court would never have been involved in these issues in the first place.

So what do the politics of implementing the Court judgments show us about the operation of political will? Political science and public administration scholars note that the term is most often employed as a colloquial way of speaking about problems of the state (see e.g. Brinkerhoff

2000; Post et. al 2010). Political will is most often used to describe or explain reasons for a lack of action by state actors on a particular policy, passage of laws, or failure to mobilize around seemingly important issues (Treadway et. al 2005; Post et. al 2010). Indeed, Post et al. (2010, 654) claim that political will is perhaps “the slipperiest concept in the policy lexicon calling it the *sina qua non* of policy success which is never defined except by its absence.” And this is very much how political will is deployed in reference to the implementation delays in Paraguay—it is always *falta* or *ndaipori* (lacking or non-existent). Multiple factors create the conditions for the reported “lack of political will” in the three Court cases: a widespread political patronage system; problems of capacity to coordinate across the state institutions involved with implementation; and the fact that political will is not lacking but rather aligned to support and uphold a class of *latifundista* agrarian capitalists at the expense of all other class interests.

When described as merely lacking, political will is seemingly benign. The term becomes a way of framing complicated problems that suggest the speaker has no power to affect changes and thus directs responsibility at other actors or factors (Post et al. 2010). It is a way of eliding or shifting focus from specific issues to broader, seemingly insurmountable challenges. But I suggest that critically analyzing “political will” turns our attention to malignant problems.

Explaining the systemic disinterest of the state to take meaningful action on indigenous rights as merely a lack of political will does two very important things. First, it serves as a sort of “subliminal and routine” anti-politics (Ferguson 1994) that de-centers attention from underlying issues that maintain the delays and focuses one’s attention on seemingly insurmountable

structural problems. In other words, it operates as a sort of “common sense”<sup>130</sup> that neutralizes or the specific politics that maintain the marginalization of indigenous people in Paraguay. Stating that there is simply a “lack of political will” supplants the multifaceted politics and vested interests involved in the implementation process with a generalized sense of ineptitude, creating a sort of fatalism that implies there is nothing that can be done in the face of such challenges. Moreover, explanations of the implementation delays then often center on claims that the state lacks the technical ability, policy, or funds to comply with the Court.

These are valid, but partial explanations about the operation of political will. When viewed together they illustrate broad trends that undermine indigenous rights. For instance, the policy and technical expertise to adjudicate and implement each of these claims exists in Paraguay. Not only do each of the Court judgements show this, but the state has facilitated the purchase and transfer of indigenous lands for other communities, like the Aché of Kue Tuwy (Reed and Renshaw 2012), the Sanapaná of Nepolhen (Villagra-Carrón 2010), and many others. Also, there have been multiple examples of broad coalitions between national and international actors who support each community’s claims during the 25-30 years the three communities have been fighting for land rights. Indeed, the recent Tierraviva and Amnesty International campaign “*Hacer visible lo invisible*” (Make the invisible visible) in 2013 helped build the pressure necessary to force President Horacio Cartes into signing law 5194 in 2014 that expropriated 14,404 hectares of land to satisfy the Sawhoyamaya claim.

The notion of the implementation delays as merely a “lack of political will” does not

---

<sup>130</sup> I am drawing from Li (2007) and Yeh (2013) respective interpretations and use of Gramscian notions of common sense

adequately explain the everyday forms of violence that re-victimize and traumatize members of the claimant communities. “Lack of political will” is an explanation that simultaneously occludes life in the gap while speaking directly to the conundrum that is life in the gap. The simultaneous abundance of *and* lack of political will led the Yakyé Axa, Sawhoyamaxa, and Xákmok Kásek cases to the Court. The Paraguayan state demonstrated great political will to draft Chapter Five of the 1992 constitution, which enshrined indigenous rights in the state’s most powerful legal document. State officials have ratified virtually every major convention or treaty regarding indigenous rights, adopting them as law within the country. Each of these actions can be explained as demonstrating the political will of the country to defend the rights of its indigenous peoples. Even the haphazard measures to implement aspects of *restitution as development* exhibit significant acts of political will—investing well over \$10,000,000 USD (to date) in land purchases, constructing health posts, and indemnity payments or confronting the power of the cattle ranching industry by passing Law 5214/14, the Sawhoyamaxa expropriation. The Enxet and Sanapaná used the simultaneous presence and absence of political will as a political and legal tool to advance their cases to the Inter-American System.

The haphazard implementation of restitution as development is the result of highly political, power-laden processes that exact a daily violence that is both, and neither, legal or illegal. Arbitrary enforcement of law and unpredictable administration of state services maintains a tenuous relation of power between the state and indigenous peoples. Reliance on the law reaffirms the centrality of the state as the guarantor of rights while maintaining indigenous marginalization by limiting access to land rights, health services, political participation, etc. (see also Hale 2011; Egan and Place 2013; Coulthard 2014). Haphazard implementation undermines the impact restitution as development is intended to have as a means of driving positive change

and reversing structural conditions that perpetuate the human rights abuses against each of these communities.

Political will serves as a double-edged sword that simultaneously emboldens and eviscerates indigenous rights in practice. It has emboldened rights by providing recognition and a tool to leverage against the state. However, political will eviscerates rights because it is a convenient excuse used to explain implementation delays as something that cannot be changed or controlled. Systemic state inaction re-victimizes indigenous peoples, producing liminal legal geographies and leaving the communities in those transitional spaces that seem to have no end.

I suggest that the notion of political will in relation to the implementation process points our attention at the fact that the delays are highly political. And in this way, I flip the common-sense notion that political will is lacking on its head to claim that political will is abundant, but that such will functions against indigenous rights. It functions to occlude the politics that lie behind the implementation delays and naturalizes the lasting marginalization of indigenous peoples. As a product of class relations, political will in Paraguay is opposed to the prospect of indigenous rights in practice because of the threat that indigenous rights to land and political participation pose to *latifundista* land control and political patronage systems. And it is this particularity of political will that led the Yakyé Axa, Sawhoyamaya, and Xákmok Kásek cases to the Court.

### **Restitution as development?**

My phrasing of restitution as a question is intentional. The question is on many peoples' minds in each claimant community. It is a question that flags the promise and peril of taking a

case to the Inter-American Court. The Inter-American Court judgments promise to deliver social justice and a qualitative improvement in life for claimants that “win” cases. Unfortunately, the reality of implementing Inter-American Court judgments is much more challenging than winning the case. As a former President of INDI once told me: “I am trying to get funds to purchase land for Xákmok Kásek. But think of what the government could do with the money needed to buy that land. They are a community of seventy-two families. There are potholes all over Asunción and thousands of people in this country who need assistance.” While budgetary constraints do not excuse the state from complying with its own laws, they do present practical barriers that complicate the implementation process.

And this raises an important point about “the state” and the functionaries working within the state. Many state officials and employees I spoke with over the course of this study are very committed to improving Paraguay and serving their country as a civil servant trying to contribute to society. Yet working within the state similar challenges to those mentioned on *Radio Pa’i Puku*: functionaries confront corruption, state infrastructure prohibits people from doing the job they are charged with, etc. The former President of INDI I quoted above is a long-time *indigenista* but was also very frustrated by the limitations of “the state” even as a leader of one of its institutions. Even so, the national budget is not what makes the implementation process go awry. The problem lies in the structural violence of state-indigenous relations.

This chapter could be read as a critique of the Inter-American System; I want to be clear that is not my goal. Gaining the recognition by the Inter-American System is a source of great pride and hope for people across the claimant communities. The Court judgments were seemingly impossible victories that invigorate the continued efforts of Yakye Axa, Sawhoyamaxa, Xákmok Kásek, Kelyenmagategma, and their allies. The persistence of the

state's inaction and meaningful measures to implement the Court judgments or ensure indigenous rights exist in practice is a primary source of trauma in each community.

The long-term unpredictability about how, or if, state authorities will ever comply with the Court produces physical, emotional, and psychological trauma by reinforcing conditions of marginality and liminality. The liminal condition of life in the gap is manifest in Yakyé Axa's occupation of the margin of a highway, in how Sawhoyamaxa simultaneously does and does not have rights to the 14,404 hectares that *Grupo Liebig* refuses to transfer, and in a refrigerator, that only contains expired medicine in the Xákmok Kásek health post. In the following chapter, I suggest that the pattern of state-indigenous relations that began on the cattle ranches and changed into Inter-American Court struggles is *infrastructural violence*, a form of violence built into the literal, legal, and liminal geographies of the bajo Chaco where the Enxet and Sanapaná continue their efforts to actuate their right to have rights.

## CHAPTER FIVE

### Infrastructures of violence and dispossession

I started this research with the assumption that the claims process and Inter-American Court judgments would render claimant communities more governable by the Paraguayan state. However, the opposite is true. The process and politics of implementing the Inter-American Court's judgments in each case has produced liminal legal geographies that arguably produce new ungoverned spaces. Living on margin of a highway, occupying a privately-owned ranch, and expropriating land without dispossessing the owner of that are acts that underscore the ungoverned spaces of indigeneity (see also Watts 2003). The actions contradict property rights; they break the law and create conflict. The Paraguayan state does little to intervene or exert its governmental authority in these sites despite the well-known nature of the cases, claims, and conditions. The Paraguayan state has repeatedly and historically failed to enforce indigenous rights law. These failures are central to the social memory and material spaces of each claimant community.

Taking the cases to the Inter-American Court never ensured that the claimant communities would win, but the Court judgments always held the promise that arbitration could lead to radical change. The promise of the Inter-American Court follows in a long line of promises and potential: *Marandú*, Law 904/81, the 1992 National Constitution, and the right to have rights. While each of those promises has been partially realized, albeit with uneven effects,



none has seemed to deliver in ways that the Enxet or Sanapana expected. The production of ungoverned spaces marked by infrastructural violence and dispossession is the one resolute outcome that resulted from the Enxet and Sanapana efforts to articulate and actuate the right to have rights. Thus far, this dissertation has shown the workings of structural violence and racism against the Enxet and Sanapana, from the Anglican missionaries to the implementation process. Building from that history, this chapter shows that violence is manifest in the built environment.

I argue that violence is infrastructural and operates lockstep with recurrent forms of dispossession. This chapter strives to make sense of something that makes no sense, yet is so routine it appears natural: the everyday violence exacted upon, and experienced by, members of the Yakye Axa, Sawhoyamaya, and Xákmok Kásek communities. The violence is mundane, rooted in a long history of marginalization and racism regularly denounced over the radio and built into the bajo Chaco. It is a form of violence that is often silent (Watts 1983), sometimes stealthy (Li 2010a), and almost always structural (Gutpta 2013).

The Enxet and Sanapana dispossession and inability to access<sup>131</sup> land was not the “natural” result of capital accumulation in the bajo Chaco. Dispossession was a calculated strategy intended to create an indigenous labor force for cattle ranching and other extractive enterprises. That history of dispossession persists to the present day. But dispossession takes many forms: it is reiterated and reinvented through state-indigenous relations, cattle capitalism, and struggles to actuate the right to have rights. Dispossession is historically sedimented in Enxet and Sanapana territories and shapes the politics of contemporary struggles for land within those

---

<sup>131</sup> I draw from Ribot and Peluso’s (2003) *Theory of Access* that argues for a notion of access as the right to benefit from things, rather than adhering to a literal definition of access.

territories. Like Li's (2010b, 400) framing of capitalism, I view dispossession as process that must be understood as an "assemblage of disparate elements, practices, and processes each with its own history of violence, law, hope, and struggle." This chapter analyzes dispossession as an assemblage to critique narratives that indigenous dispossession is natural or a product of "indigenous culture."

Denaturalizing dispossession (Hart 2006) requires grappling with historic forms of Enxet and Sanapana displacement and enrollment in capitalist processes. It also means attending to the different forms of dispossession and violence those processes have driven.<sup>132</sup> I draw points of connection between this chapter and the chapters that precede it to think through the relationship of dispossession(s), violence, and liminal legal geographies in the Yakye Axa, Sawhoyamaya, and Xákmok Kásek cases.

Chapters One through Four collectively illustrate patterns of state-indigenous relations and processes of indigenous subject formation, underscoring pervasive forms of violence. Sometimes the violence is crude, visible, and manifest materially. Often the violence is beneath the surface or built into the systems and structures that facilitate its insidious operation. This chapter builds from recent debates about violence to show that much of the violence experienced by the Enxet and Sanapana is built into the geographies of the bajo Chaco (see e.g. Springer 2011; Gupta 2013; Li 2015). I argue that the everyday violence in Yakye Axa, Sawhoyamaya, and Xákmok Kásek is infrastructural: the violence is built into the material landscape but also unseen and systemic.

---

<sup>132</sup> As Harvey (2003) and Perreault (2013) have shown, dispossession is not a singular process; it is recurrent in relation to changing forms of capitalist accumulation.

## Infrastructural violence

I use the term infrastructural violence to draw attention to forms of violence that have preceded the Inter-American judgments and resulted from the implementation of the Court's judgments. The literature on structural violence is vast;<sup>133</sup> however, I principally draw from Gupta's (2013) recent work on the topic. He argues, "structural violence is a capacious term that encompasses not only the exclusion from entitlements such as food and water, but also the exclusion of certain groups from particular forms of recognition" (Gupta 2013, 20). Scholars warn that the term *structural violence* runs the risk of losing analytical precision because it is widely used, or used in reference to acts that do not entail physical violence (see Springer 2011; Gupta 2013). I am aware of that potential. I choose to work with the term because thinking with the concept of structural violence allows me to focus on the way that violence with no clear locus still has an undeniable impact on suffering and mortality. A strict focus on material manifestations of violence may not attend to the trauma of epistemic violence<sup>134</sup> that many members of the claimant communities discuss. Much of the violence inflicted upon the Yakye Axa, Sawhoyamaya, and Xákmok Kásek communities is structural, diffuse, and without a clear perpetrator. However, infrastructure also clearly mediates violence in each of these cases.

Infrastructures are material but also relational, systemic, and productive of violence.

---

<sup>133</sup> See e.g. Galtung (1969), Farmer (1996, 2004), Springer (2011), Gupta (2013) among many others.

<sup>134</sup> I draw from Spivak's (1988) use of the term.

Rather than a return to Marxian base-superstructure analyses, Ferguson (2012) suggests that a focus on infrastructure is a return to everyday materiality that is seemingly mundane, yet regularly affects our lives. Rodgers and O'Neill (2012), Hetherington (2014), and Li (2015) all employ infrastructure as an analytic and an object of study to examine its relationship to material, immaterial, and mundane violence. Rodgers and O'Neill (2012) show how urban infrastructures shape, discipline, and sometimes punish people and their relations with one another. Hetherington (2014) details how one key actor who facilitates the promise of infrastructure—a land surveyor—yields his power in relation to the campesinos seeking his services to demean their material poverty and threaten to physically displace them in efforts to create more legible, “modern” landscapes. Li’s (2015) approach maintains a focus on the material and highlights the *infra*, or what lies below and beneath the material structure (see also Hetherington 2014). Li’s approach holds material infrastructure in tension with “the underlying features of system organization” (Li 2015, 2). Laws and juridical principles are an example of the underlying and disparate qualities of the *infrastructures* I discuss in this chapter. But I also attend to the geographic and site-specific facts of infrastructural violence. Therefore, as an analytic, the dual meaning of infrastructure is particularly useful. This chapter shows that violence is manifest by material infrastructure but also built into systems of governance, law, and social relations.

The infrastructural violence in the Yakyé Axa, Sawhoyamaya, and Xákmok Kásek cases is produced through the liminal legal geographies and the “mundane arrangements” (Mitchell 1991) of the Paraguayan state. My use of the concept *infrastructural violence* focuses on material structures (e.g. roads, fences, and stock ponds) and those that lie below, but are all the while critically important (e.g. the declaration of a state of emergency, and the Inter-American

Court judgments). When I use the term infrastructural violence I am referring to structural violence built into material infrastructures and the effects of haphazard efforts to implement the Inter-American Court judgments. I build from recent uses of *infrastructural violence* as an analytic<sup>135</sup> complemented by attention to the decentered and impersonal attributes of structural violence (see Gupta 2013). The Inter-American Court judgments and process of implementing them reveals that violence is built into the geographies of Yakyé Axa, Sawhoyamaxa, Xákmok Kásek, but is also simultaneously invisible and visible.

Infrastructural violence is built into the liminal legal geographies that the three claimant communities have occupied over the course of their struggles. Roadside communities described by the people who live in them as “prisons” provide a clear example. It is a form of slow violence<sup>136</sup> manifest as the hunger that grips families with no access to hunting, fishing, or sites to collect forest foods, let alone earn wages to purchase overpriced food from *makateros*. Infrastructural violence is inscribed onto the landscape through grids of wire fences that perform the socio-spatial practice of excluding people from the lands they claim and hunting grounds where they could find game to quell hunger (see Blomley 2007). The histories of *matadores*<sup>137</sup> and their enforcement of ranch property lines linger as memories of a material practice that incised property’s violence on Enxet bodies (see Blomley 2003). The threat of the *matadores* created effectively trapped members of the Yakyé Axa and Sawhoyamaxa communities on the margin of the highway, excluding them from resources necessary to survive due to fear of

---

<sup>135</sup> Specifically, Ferguson (2012), Hetherington (2014), and Li (2015).

<sup>136</sup> I am indebted to Nixon (2011) for the term.

<sup>137</sup> Literally, killers. Armed ranch staff who patrol the property lines (see Chapter Four).

physical harm or death. The delayed legal processes and inability of the Paraguayan state to adjudicate the claims maintained the displacement of each community. The Paraguayan government created the liminal legal spaces that the Yakye Axa and Sawhoyamaxe communities occupied because state officials maintained the rights of the ranchers at the expense of the Enxet land rights. The delayed legal processes accompanied by “care” in the form of food rations that periodically arrive or are spoiled created conditions of dependency coupled with neglect.

### **Infrastructures of dispossession**

Yakye Axa, Sawhoyamaxe, and Xákmok Kásek have intimate relationships with infrastructure, dispossession, and violence. I use roads, stock ponds, and fences as sites to unpack the operation of infrastructures of dispossession. Roads provide a critical link to necessary services, but sometimes prove deadly and tormenting. Stock ponds provide needed water sources, but were built for cattle and harbor parasites that threaten human life. Fences provided labor to the Enxet and Sanapaná “employed” to build them, but now restrict access and define socio-spatial relations. The Inter-American Court judgments acknowledge the role that each of these infrastructures have played in creating dispossession and violence.

#### ***Roads, stock ponds (and fences)***

Roads make an easy foil with which we can consider the question of infrastructure in relation to dispossession and violence in these cases (see Harvey and Knox 2015). As much as roads are infrastructure, they also act as conduits of infrastructural violence. The Concepción-Pozo Colorado highway bisects the Yakye Axa and Sawhoyamaxe communities. The road brings

emergency food rations, mobile vendors, and lots of traffic: it is one of two paved roads that traverse the entire Chaco. The highway also serves as a social space and central feature of daily life in each community. It is a site that serves as a place where young kids mill about and talk, an all-weather path for foot traffic, and a place to congregate and watch passing traffic.

The road is dangerous as well. *At least* twenty people from Sawhoyamaxa and Yakye Axa have been struck by vehicular traffic on the highway in the last twenty years, with ten or more fatalities.<sup>138</sup> Figure 16. juxtaposes photographs of memorials on the side of the highway in front of Yakye Axa and Sawhoyamaxa that commemorate persons who were killed by traffic on the highway. I took Figure 17 at the request of a mother denouncing the fact that her daughter was hit by a truck as a little girl, suffering lifelong disability as a consequence. Of course, there are many other extraordinary stories about the road. Yet the road also has mundane effects.

---

<sup>138</sup> The Court judgments on the Yakye Axa and Sawhoyamaxa cases (IACHR 2005, 2006) document these conditions as do the testimonies of people that participated in this study. I could not ascertain exact numbers because no one really knew. Issues of physical violence and death are topics I only discussed when other people suggested that it would be appropriate to do so because they are very sensitive issues.



Figure 16. Roadside memorials: one in Yake Axa (left) with the road in background; one in Sawhoyamaxa (right). (photos by author).



Figure 17. A vehicle passing on the highway hit this woman when she was a little girl. Her mother requested that I take this photograph and share it with state officials and other people to inform them about the dangers and situations that the community faced living on the shoulder of the highway for twenty years.



The proximity of Yakye Axa and Sawhoyamaya to the highway constantly menaces community members. The earth shakes with each passing semi-truck, as the huge trucks roll over and crash into the potholes that riddle the highway. Every passing truck shakes your core, interrupting conversations, meetings, and school. If by day it is a constant interruption, at night it is worse. With rows of high-powered headlights running across the top and bottom of the cabs, the semi-trucks shatter the night, the sound of their metal frames creaking, air brakes struggling, and Paraguayan polka or *kachaka* music often blaring from the windows. Sleep on the margin of the highway is intermittent and always interrupted; it wears people down and taxes their well-being. Xákmok Kásek also shares a relationship with a road, yet the “*ramal* Puerto Pinaso” is a road with a different character.

As much as it connects 25 de febrero and Xákmok Kásek with other places, the road isolates the two communities. Ask most people from Xákmok Kásek how to get to the community and they will tell you that it is 13.3 kilometers from the Trans-Chaco highway. They will also often comment that Xákmok Kásek is much closer than where they lived at 25 de febrero, which is forty-eight kilometers from the highway. Roads are an equally significant fact of life in Xákmok Kásek and 25 de febrero even though a road does not bisect those communities like it does Sawhoyamaya and Yakye Axa. Rather than a pothole-ridden paved road, the “*ramal* Puerto Pinasco” is a dirt road primarily used to transport cattle from the interior to the slaughterhouses or markets in Asunción. The road is a private-public partnership between the MOPC and a cattle ranching commission with guards that control access. For a dirt road, it is well maintained when dry, yet unpassable in times of rain for the mud and the guards that prohibit passage.

When the road closes, SEN does not deliver food rations, *makateros* do not sell goods,

and there is no possibility that an ambulance will come (see Figure 18). In years with heavy rainfall, the road can be closed for weeks at a time depending on where or if a stream washes it out. One such flood event occurred while the Xákmok Kásek community was living in 25 de febrero. People from the community recalled that they quickly ran out of food, floodwaters carried away all the fish, and that hunting was sparse. Depending on how long the closure lasts or if there is a medical emergency, people must make the trek to the closest town on their *Yamazuki* or *Taiga* motorcycles. Many people I spoke with from Xákmok Kásek had personally been injured or their family members had been injured while trying to navigate slick, muddy roads on their motorcycles.



Figure 18. SEN truck that ran off the road near Xákmok Kásek. We had to unload food rations from the truck into my little SUV and shuttle them to the community. It was a long day (photo by author).

Even in a four-wheel drive vehicle the trip is treacherous. We once overloaded my small SUV with nine people and braved the mud in order to travel to Asunción for a surprise meeting with the Vice President to discuss the land claim. In places, the road was rutted a couple feet deep from *transganados* that had illegally transited it. In other places, those trucks were stuck where they had careened off the road. By a stroke of luck, my little SUV navigated the mud and

we made it to the highway without accident, but not without white knuckles.

When the road is travel-worthy, the limiting factors are vehicles or money to pay for fuel. If someone requires emergency medical treatment, the trip is 150 kilometers (roundtrip) for *basic* attention and nearly 300 kilometers (roundtrip) to the closest hospital. If community members want medical attention they have no option but to make the trip even though the state constructed and outfitted the 25 de febrero health post to comply with the Inter-American Court judgment. As noted in the last chapter, the health post is rarely staffed and is little more than a nice building. Due to financial and transportation constraints people stay in the community. They hope that traditional medicines will heal their ailments or that their “store,” the forest, will have food that day. Roads serve as necessary infrastructure and are a locus of infrastructural violence.

Infrastructural violence is also carved into the earth. Stock ponds originally excavated to collect rain and provide a regular water source for cattle are key infrastructural elements of *Chaqueño* cattle ranches. Water is always problematic in the bajo Chaco: there is usually either too much or too little with seasonal and inter-annual fluctuations between flood and drought. Saline soils and subsurface water forecloses the possibility of artesian wells; some surface streams even flow with salty water. Most ranchers rely on rainwater collection systems for potable water on their ranches. For claimant community members, building such a system is impossible; doing so requires scant resources: money, water storage tanks, gutters, and quality roofing material. With no other viable option, the stock ponds serve as the primary water source for people in Yakyé Axa, Sawhoyamaya, and Xákmok Kásek. Limited access to water is a factor of the region’s physical geography exacerbated by private ranches that prohibit passage onto their property and restrict access to sources of fresh water.

Stock ponds provide a fairly reliable source of water. The quality of the water in stock

ponds is variable and often produces gastro-intestinal disarray. When rains are abundant, large areas flood and fill the stock ponds with whatever floodwaters pick up as they flow across the landscape: latrine waste, household trash, animal feces, etc. During times of drought, water levels drop and the water turns red, brown, or green from concentrated sediments and suspended particulates. A woman from Sawhoyamaya commented to me that when “times are bad,” she and others must use clothes to strain the water from mud at the bottom of nearly dry ponds. She said that water like that “smells and tastes bad,” that it is “hard to drink but sometimes all they have.” Displacement from land and the recurrent dispossession from land rights exacerbate the problem of limited water access in Yakye Axa and Sawhoyamaya. While the declared states of emergency in each of these communities was also supposed to provide potable water, such services take on the quality of myth. If water deliveries are made, the drivers fill up cisterns with stock pond water near the communities to save on gas money. Conditions are similar in Xákmok Kásek. The water from the stock ponds often produces illness and preventable disease.

According to the Inter-American Court findings in the cases (IACHR 2005, 2006, 2010), water-borne diseases have contributed to numerous preventable deaths and illness across the three sites. Most of the water-borne illnesses found in stock ponds are relatively benign. Things like giardia are generally only deadly when people lack access to basic sanitation and medical care. Due to logistical and financial constraints, I was unable to test water quality in the three communities. However, the results of medical tests I underwent to assess health problems I experienced from the water suggest that numerous types of amoebas, protozoa, and bacteria live

in the stock ponds.<sup>139</sup>

I conducted survey-style interviews<sup>140</sup> across Xákmok Kásek and Sawhoyamaxa to assess issues of health, perceptions about the struggle for land rights, among other topics. Ninety-five percent of survey respondents<sup>141</sup> across both communities reported that their primary source of water is from stock ponds. Of those, seventy percent believe that the water is a source of illness, closely linked to seasonal wet and dry periods where either too much or too little water is a problem. But, even if the water is “hard to drink,” sometimes it is all that is available. Water and roads are only two of many examples of the infrastructural violence that condition life in each community. They are everyday forms of violence that years of repeated exposure turn into “natural” conditions despite the objections of people who experience such violence.

Hetherington’s (2014) argument that infrastructures are more than spatial and material, but temporal, is key to highlight. Hetherington suggests that notions of time are vital to the political promise and potential embodied in infrastructure. Material infrastructure projects like roads or even secure property rights articulate to notions of modernity, order, and development. Hetherington shows that infrastructure’s promise, or what infrastructure *could* bring, is key to understanding what infrastructure means to the people affected by it. For members of the Yakye Axa community, the promise of a road to their property is a promise to liberate them from the margin of the highway and the potential that they can live in peace. In July 2016, I took a

---

<sup>139</sup> On hunting trips or efforts to find and map property boundaries, I would often drink water from the stock ponds or surface streams.

<sup>140</sup> The surveys followed a semi-structured interview format designed to evoke qualitative data and a quantitative read of total occurrence of certain phenomena. I did not design a survey intended for statistical analysis.

<sup>141</sup> I conducted forty in Xákmok Kásek and sixty in Sawhoyamaxa.

truckload of people from the community to the construction site so they could see the progression of the road. As we drove to the site, one of the community leaders looked out the window and dreamed out loud about the crops he would plant and the home he would build there. The promise of this infrastructure project gives hope to community members, but it also reminds them how long they have been waiting for MOPC to build the road: nearly five years. The health posts and Law 5214 are also clear examples of infrastructure's promise: secure health care on the one hand and secure land rights on the other. But neither of those promises have been realized in the years since building those infrastructures. Therefore, an analysis of infrastructure must also attend to the temporal qualities of it: what infrastructures promises just as much as what it has done. Building from Hetherington's attention to infrastructure's temporality, I suggest that time is a key component of infrastructural violence in the Yakyé Axa, Sawhoyamaya, and Xákmok Kásek cases.

The duration of the land claims process, mundane bureaucratic procedures that lead to unpredictable outcomes, and histories of dispossession and exploitation define the violence that I am writing about. Infrastructural violence is a result of how long it takes an ambulance to arrive to one of the communities due to the poor conditions of the highway. But that violence is also a result of the psychological trauma that a promised infrastructure that is never completed exacts on members of the Yakyé Axa community as they continue to live on the side of the highway. The violence is also a product of the time that each claimant community has been negotiating with the Paraguayan state without resolution to their claims. It is a violence rooted in Barbrook Grubb's missionary efforts to "pacify" the Enxet and Sanapaná that is manifest in government efforts to create governable communities through the requisites of gaining *personería jurídica*. Infrastructure shapes potential futures, but is the product of historic processes. Infrastructure or

the lack of it shapes patterns of behavior and social conditions that function to naturalize them, making violence mundane.

### **Racism by any other name**

After I contracted dengue fever, one of the leaders of Xákmok Kásek, Martín,<sup>†</sup> commented that I got the disease because I am “delicate.” He then stated, “if an indigenous person gets sick they don’t go to the doctor. They just rest [for a day] and then go about [their life]. We live with illness but it’s not a big deal.” Martín regularly berated government officials for not providing medical services to the community and jeopardizing people’s lives. He made these comments during casual conversation, at meetings with government officials, and on *Radio Pa’i Puku*. Other times, Martín exhibited a defiant opposition to needing such services, instead arguing it was “indigenous culture” not to complain and deal with illness.

I heard language like Martín’s frequently reiterated by non-indigenous people (e.g. cattle ranchers, ranch staff, shop keepers in small towns, police officers) in areas near the three communities. Common refrains were: “indigenous people don’t go to the doctor because it is their culture to use plants and shamans to heal ailments.” Or, “the indigenous live like that [in impoverished conditions] because it is their culture to live in filth and live without meaning, day to day.” And, “Indigenous? They don’t need or want our medicine [i.e. Western/pharmaceutical]. It is their culture to use the plants.”<sup>142</sup> These statements are riddled with pervasive tropes and

---

<sup>142</sup> I have drawn each of these quotes from my field notes, recorded in writing following casual conversations with different actors across the study areas. I chose them because they are emblematic of commonly heard discourse that frames indigenous peoples.

racialized stereotypes about indigenous peoples that naturalize the serious but regular problems of access to medical care that challenge daily life. The comments suggest that suffering is acceptable and a given for some lives, that it is a natural product of “their” culture.

The regularity with which I heard such comments and the ease with which many people shared these ideas with me illustrate deep-seated racism that explains the infrastructural violence against indigenous peoples as if it were mundane. Unfortunately, the violence *is* undeniably mundane. In the very way that infrastructure itself is mundane, quotidian, and taken for granted, subtle forms of violence are exacted on the Enxet and Sanapana daily. Members of each community disdain their dispossession and its correspondent violence, but many also describe these conditions as “*peicha*,” or simply “like that.” After years of repeated experience, the situation all too often is *peicha*. Racism against indigenous peoples often wears the veil of explaining socio-economic conditions as if they are the natural product of culture.

Infrastructural violence is not natural and it is not cultural. The violence is a product of repeated and sustained acts that undermine indigenous wellbeing. One of the quotes above claims that indigenous people do not want or use pharmaceutical medicine because they prefer to use medicinal plants. The statement is certainly not a universal truth, yet maps onto naturalized rationale for indigenous dispossession. Healthcare provides a useful foil because it is an everyday concern and an historic one that marked each of the three cases before the Inter-American Court. Perhaps the primary concern Enxet and Sanapana people expressed to me during the course my research, possibly even more significant than land rights, was access to medical care. Many people in each community reported a need for trained medical professionals and access to pharmaceutical medicine as their primary concern because they recognize medicinal plants have limited efficacy:



**Joel:** If someone is sick in your home what do you do?

**Juana:**<sup>†</sup> We look for *yuyos* [medicinal plants] and use *pohã natural* [natural medicine]. If there is money or the doctor comes sometimes we use *pastillas* [pills], but they are expensive and we don't have any money to buy them or go to the doctor. So, we use *yuyos*. There are many different kinds of *yuyos* that can heal almost anything.

**Joel:** What do you do if the *yuyos* don't work? Can you go to a doctor?

**Juana:** It is hard to go to the doctor. There is no money and if you go then they give you a prescription, but you have to buy it and there is no money. So, going to the doctor is pointless. That is what we need the most here [in Xákmok Kásek], a doctor or a health post with medicine. The *yuyos* don't always work so we need medicine, but there are no doctors and we can't get it. So, we use the *yuyos* and traditional ways.<sup>143</sup>

Juana's comments clearly refute the notion that people prefer medicinal plants over pharmaceutical options or having access to trained doctors. Her comments highlight the fact that medicine is expensive and so is the cost of transportation to see a doctor. There is a sad irony to Juana's comments, however. The Paraguayan state spent over \$100,000 to build a well-equipped health post for Xákmok Kásek in accordance with the Inter-American Court judgment. Yet, the health post is thirty-five kilometers from Mopey Sensap, in 25 de febrero, and rarely staffed with a doctor, and much of the medicine I saw had expired because it was never used.

The doctors assigned to the health post are supposed to live on site for week-long turns, but many are reticent to do so because of the road. As mentioned above, the dirt road is subject to closure when it rains and is about eighty kilometers from the nearest small town. Some Ministry of Health functionaries agreed to speak with me about the health post under conditions of anonymity.<sup>144</sup>

The indigenous get upset because doctors don't go there frequently. But what are we/they<sup>145</sup> supposed to do? If it rains, we/they get stuck out there for who knows how long. Most the time there is no gas for the truck to go there or it is broken so we/they

---

<sup>143</sup> Recorded interview, September 15, 2015.

<sup>144</sup> They feared political retribution for criticizing the Paraguayan government. Recorded interview June 2016.

<sup>145</sup> I use the we/they and our/their constructions to obscure the speaker's voice and ensure confidentiality.

have to use personal money or vehicles to go. I truly feel for the indigenous and their suffering. There is so much need for medical care, but the state does not have the way to support our/their work, and if it rains the road is terrible.

The state employee's comments illustrate the multiplicity of infrastructural violence.

Infrastructure serves as a reason *and* excuse why doctors rarely staff the 25 de febrero health post. Similarly, the reasons why many Enxet and Sanapana use medicinal plants instead of other forms of medicine is infrastructural. Either the infrastructure plainly does not exist—there is no viable road, health post, or doctor—or the reasons are unseen and assumed as cultural preference by passersby that do not have the sense or care to question the naturalized dispossession experienced in Yakye Axa, Sawhoyamaya, and Xákmok Kásek.

Returning to the question of my contracting dengue and being “delicate,” Martín pointed out the fact that I do not have to experience illness like he or his family members do. When I had dengue, I went to the hospital for blood tests and convalesced under the care of a good friend's mother who lives in Asunción. Martín's comments also speak to histories of neglect and broken promises. Explaining the liminal legal spaces and the infrastructural violence that Enxet and Sanapana endure as “indigenous culture” is racism by any other name.

### **Dispossession is more than a question of geography**

Dispossession operates on multiple registers, far beyond that of merely spatial or geographic processes. While it is critical to pay close attention to the “material ‘facts’ of dispossession” (Hart 2006, 7), an analysis of dispossession and infrastructural violence requires considering the *infra* and systemic effects of these processes. Post-colonial scholars show that the law is frequently the space of dispossession albeit under the guise of creating the space for

inclusion and tools of repossession (Povinelli 2002; Coulthard 2014; Simpson 2014). Moreover, scholars argue that dispossession functions on the psychic and emotional level of the colonized (Fanon 1963; Shrestra 1995). Critical social theorists Butler and Athanasiou (2013) argue that dispossession is not just a question of “taking away,” but the foreclosure of other possibilities. They argue the foreclosure limits the autonomy of the liberal subject by creating a “fundamental dependency and relationality” with sovereign power (Butler and Athanasiou 2013, 2). In their formulation, Butler and Athanasiou argue that the relationship between subject and sovereign displaces the possibilities of the subject’s self-determination and replaces that with the social norms, rules, and expectations of the sovereign. I read the contributions of the critical theorists discussed here as ways to think with dispossession as a form violence that works on the register of the psychological and subjective rather than merely a spatio-material or political economic process.

There are important shared attributes that define life in the gap across all three communities, despite the distinct conditions found in each site. Perhaps the most common shared attribute is a relationship with dispossession. Intersecting the spatial and corporeal dispossessions in each community, dispossession also takes the form of the persistent denial of rights. State officials do not meet the necessary requisites to implement the rulings per the Inter-American System mandates. The delays exacerbate marginalization and reinforce the notion that indigenous peoples only matter on paper or in policy, but not in everyday life. The denial of rights (re)produces infrastructural violence. It is a violence that some members of the claimant communities report contribute to feelings of inferiority and marginality that questions their very

humanness.<sup>146</sup>

The psychological impact of infrastructural violence became startlingly clear to me during a conversation I had with Luis,<sup>†</sup> a man my age from Sawhoyamaxa. Luis was born on the Loma Porã ranch, lived on the side of the road for most of his childhood, worked as a peon on the cattle ranch that had dispossessed his community, but has “beaten the odds.” Luis has attended college, traveled to the United States and Europe to represent Sawhoyamaxa, and played a key role advocating for his community within Paraguay. While we were talking one afternoon in July 2013, he said something that has stayed with me, focusing my attention on how dispossession operates on the level of the psyche and affect:

We have been fighting for so long. The community fights and suffers on the side of the road, but we won’t give up. We are just fighting for what is ours, our land, our rights. I am indigenous. But I am also human. [*(Pero soy un humano)*]. I want to be seen as a human and for them [the Paraguayan state] to respect our rights.<sup>147</sup>

Luis and I were drinking *tereré* outside the Tierraviva office when he made the comment above. It was a cold, winter day with high overcast flat grey clouds. We sat at a table behind the office next to some guest rooms that are available for indigenous people to stay while they advocate for their communities. The Tierraviva office serves as an informal meeting place for people across the Chaco to talk about their lives, learn about rights, and advance their struggles. While we talked, a handful of indigenous men, leaders from their respective communities, sat within earshot and nodded in agreement when Luis made the comment about being human.

Luis and I had been sitting, talking, and drinking *tereré* for about three hours when he

---

<sup>146</sup> See also Fanon (1963).

<sup>147</sup> Handwritten notes: July 6, 2013.

made the comment about being human. That was the only statement he made that evoked a response from people sitting around. Luis made the statement so casually, but so honestly and without provocation, that his words startled me. I heard his words to say that the years of dispossession and violence he and his community have experienced have made him question his very humanity because of his indigenusness.<sup>148</sup> Luis framed his comment in relation with the fact that he is indigenous but also human, as if the two were distinct. But the bifurcation and distinction of *indio* and *nativo* as closer to nature and further from culture/humanity is something that persists in Paraguay. The discourse equates indigenous peoples as pre-modern, hunter-gatherers, who seek “habitat” not territory, land, or property, while explaining violence against them as natural.

Dispossession is a form of violence. The way dispossession is manifest and maintained in concert with racist discourse challenges the very humanity of Enxet and Sanapana people enrolled in the act of claiming land rights. I have never heard another person use the same phrasing of “wanting to be seen as human” as Luis, but I have heard many indigenous people discuss being treated as sub-human in terms of labor relations on the ranches and also in common tropes by non-indigenous Paraguayans on the part of indigenous peoples.<sup>149</sup> Luis’s words honed my attention to the unseen effects of dispossession that shape everyday life no less than the material infrastructures of roads, stock ponds, and ranch fences.

---

<sup>148</sup> I borrow the term indigenusness from Cook-Lynn (1997).

<sup>149</sup> During my M.A. research, I met a few indigenous Aché people who also discussed being considered sub-human. I attended the funeral of an Aché man who colonizers “hunted” when he still lived in the forest in the 1970s. He died, in part from the bullet that remained lodged in his chest after he was shot but not killed many years prior.

## **Ungoverned spaces, ungoverned people?**

The Inter-American Court judgments are intended to ease violence and dispossession. Yet, the Paraguayan state's haphazard implementation of the judgments produces liminal legal geographies that exacerbate dispossession and reinforce infrastructural violence. The very proposition or promise that the judgments can achieve their intended goals is challenged from the moment they are issued, however. The Inter-American Court relies on the political will of the violator of human rights to heed the Court's recommendations, in this case the Paraguayan state. The Inter-American Court trusts that international recognition of a state's culpability in human rights violations will encourage the state to stop violating human rights *and* implement specific measures to do so. The Paraguayan state agreed to the "contentious jurisdiction" of the Inter-American System (IJRC n.d.) and gave the Court authority to arbitrate cases of human rights violations on behalf of Paraguayan citizens.

Contradictions like asking a human rights violator to respect human rights or creating a judgment with the force of law (but is not at least legally-binding) inadvertently produce liminal legal geographies and facilitate infrastructural violence. As we saw in the previous chapter, the contradictions blur the legal and illegal, the licit and illicit, creating ambiguities that allow infrastructural violence to persist. Many of the rights violations identified by the Inter-American Court in the Yakye Axa, Sawhoyamaya, and Xákmok Kásek cases addressed issues of infrastructure, violence, and governance.

In each of the cases, the Inter-American Court argued that the Paraguayan state's inability to provide effective measures of governance created the human rights violations. In each case,

the Inter-American Court found that the lack of governance violated Articles One and Twenty-Five, the “obligation to respect rights” and “right to juridical protection,” respectively. The Court found that the lack of adequate infrastructure—housing, medical facilities, schools, and reliable water provision—was directly attributed to the violations against Article Four, the “right to life.” The judgments in the Yakye Axa and Sawhoyamaya cases attribute the presence of infrastructure—the Pozo Colorado-Concepción highway, the ranch fences, and the history of armed ranch staff, so-called “*matadores*”—to the state’s violation of Article Four. The Court declared that the Paraguayan state was guilty of the “arbitrary deprivation of life” due to the lack of adequate governance measures to adjudicate the land claims, provide legal protections for each community, or respond in any significant manner to stop the rights violations.

The judgments detail more violations beyond the ones that I discuss here and articulates their relationship to material and systemic infrastructure and dispossession. The Inter-American Court found the Paraguayan state guilty on multiple counts of human rights violations because the state could not, or did, not govern according to its own laws. Reading the three judgments reveals that the Paraguayan state did not ensure Enxet and Sanapaná rights to have indigenous rights. As a result, the state created the conditions where its own laws “changed everything” and nothing at all because the laws have done little to challenge patterns of state-indigenous relations and mundane forms of violence that beset each claimant community.

The normalcy of mundane forms of violence entrenches the dispossession experienced in each community. Despite the actions of community members and their allies to change the situation, dispossession and infrastructural violence persist. These conditions have created spaces where the promise of the right to have rights is fading. Living on the margin of a highway for a generation, (il)legally reoccupying private property, or living on land that is and is not

expropriated for the community are practices that claimant community members do not like, but almost expect in their experience negotiating with the Paraguayan state. As one leader from Xákmok Kásek regularly said to me: “There is no other option. We will no longer wait with our arms crossed.”

As the Inter-American Court judgments make clear, the status quo of state inaction has long been the source of violence against each community. As the recitations over *Radio Pa’i Puku* make clear, many indigenous people across the Chaco have been calling for the state to provide at least some semblance of governance. The promise of governance, not unlike the promise of infrastructure (see Hetherington 2014), has long been seen as the path toward development, the cessation of human rights abuses, and ability to live a better life. The long-standing practice in Yakye Axa, Sawhoyamaya, and Xákmok Kásek has been to follow legal norms and procedures during their struggles for land rights. In a sense, the community leaders and representatives have long conducted their conduct in a way amenable to the Paraguayan state, maintaining faith that the state will eventually govern. But times are changing and so are the political strategies the claimant communities use to advance their claims.



## CHAPTER SIX

Disrupting the *patrón*, demanding governance, being indigenous

This chapter focuses on different ways that Enxet and Sanapana peoples disrupt the pattern (*patrón*) of state-indigenous relations that have defined their struggles for land rights to secure the space to be indigenous. For much of the Enxet and Sanapana struggles for land rights and meaningful inclusion in the state community members have waited for the Paraguayan state to ensure their rights. Throughout the dissertation I have argued and shown how the Paraguayan state's haphazard governance of indigenous affairs, particularly the three Enxet and Sanapana cases, produces and maintains ungoverned spaces and peoples. The liminal legal geographies created by state (in-)action negate the human and indigenous rights of claimant community members by maintaining their marginalization and ensuring their continued dispossession. Dispossession, political patronage, and haphazard implementation of the Inter-American Court judgments have become naturalized conditions in each community. Despite many years of struggle and challenge, the Enxet and Sanapana claimants have comported themselves in accordance with the law, following legal procedures to claim land from the state.

This chapter, however, points to key recent events where claimant community members and their allies organized calculated political actions intended to disrupt patterns of state-driven neglect in efforts to create governed spaces. Enxet and Sanapana create these brief moments and ephemeral spaces of ungovernability to force the state to appear and address their concerns. In so doing, the claimant community members are challenging historic state-indigenous relations

through important acts of self-determination. Both Coulthard (2014) and Simpson (2014) conclude their recent works by suggesting that disruption and interruption are key elements to indigenous self-determination and de-colonization. By disrupting, or interrupting, the narratives and norms of the settler state through calculated political actions Native Americans—Mohawk, Dene, and others—are changing the terms by which the settler-state knows and interacts with the political demands of indigenous peoples. Coulthard suggests that such acts are the praxis of being indigenous and reasserting communal relations with ancestral lands and ways of life (2014, 169). Becoming ungovernable is the strategy that Enxet and Sanapana peoples have recently adopted to interrupt the historic pattern of state-neglect, lies, and haphazard implementation of the Inter-American Court judgments. Forcing the state to react is a new expression of Enxet and Sanapana self-determination that is the praxis of the theoretical proposition of “having rights” and being indigenous vis-à-vis the state.

In earlier chapters I showed that Paraguayan state governance is, if anything, haphazard. The governance strategy in relation to indigenous affairs is reactionary, ad hoc, and careless. The Paraguayan state has never taken a proactive effort to effectively control the claimant communities, provide them services, or adjudicate their legal claims. This is evident in the history of roadside communities like Yakyé Axa and Sawhoyamaxa that Paraguayan officials left to languish in liminal legal states of being. Haphazard governance is illustrated by the fact that the state made little response to the (technically) illegal land reoccupations that both the Sawhoyamaxa and Xákmok Kásek communities have made in recent years. Both communities cited the Inter-American Court judgments as the legitimating factor for their reoccupations, but nonetheless the occupations were technically illegal because each site was a privately owned cattle ranch at the time. Yet the state did nothing to protect private property rights or resolve the

cases on its own volition. The ambivalent and arbitrary behavior is emblematic of the state-as-*patrón* but also vexing because of the way the actions adversely affect influential cattle ranchers.

Enxet and Sanapana claimants still have faith that the law will prevail and eventually the Paraguayan state will comply with the Inter-American Court judgments. However, I suggest that the communities have begun to use new political strategies to usurp the limits of legal recourse. Becoming ungovernable is a form of resistance meant to momentarily interrupt legal norms and shed light on the ungoverned spaces of indigeneity to force the Paraguayan state to govern and ensure their rights. Enxet and Sanapana peoples have turned the ungoverned spaces and infrastructural violence they experience into political tools to ensure the praxis of indigenous rights. The lack of state services and response to the Enxet and Sanapana claims was a central concern for the Inter-American Court and its subsequent judgments on behalf of the Enxet and Sanapana. The Court determined that the Yakye Axa, Sawhoyamaya, and Xákmok Kásek communities were victims of human rights abuses that stemmed from the socio-economic and political conditions created by a lack of governance. The lack of governance cited by the Court is evident in its condemnation of how the Paraguayan state negated medical services, identity documents, birth and death certificates, and land title in accordance with its domestic laws.

I use the term *becoming ungovernable* to emphasize emergent political strategies the claimant communities have used to spur compliance with the Inter-American Court. Enxet and Sanapana interruptions of “normal” patterns of state-indigenous relations call upon the Paraguayan state to govern in efforts to make officials ensure that indigenous rights law and the Inter-American Court judgments are respected. I use this chapter to evaluate recent events where Enxet and Sanapana organize different forms of protest in efforts to reset the terms of what it means to be indigenous in Paraguay today. I ground my argument by evaluating land re-

occupations, road closures, and art exhibits.

My argument is in conversation with Watts (2003) and works by Simpson (2014) and Coulthard (2014) discussed above. Watts contends that “one of the striking aspects of the governable spaces of indigeneity as they emerged in the [Niger] Delta is that they become vehicles for political claims” (2003, 24). The politics of implementing Inter-American Court judgements in Paraguay suggests that the relationship is inverted. Earlier chapters showed that the haphazard governance of indigenous affairs and careless implementation of the Inter-American Court judgments contradict what many would consider key governance aims of states: order, calculation, legibility, etc. (see e.g. Scott 1998; Mitchell 2002). The adoption and creation of robust indigenous rights laws and multicultural policy created a governance structure intended, in principle, to produce what Watts (2003, 24) calls “governable spaces of indigeneity.”

In other words, indigenous rights law adopted by the Paraguayan state were ostensibly intended to create new governable spaces and populations under the guise of indigeneity. In practice, the legal system created contradictory sites and legal situations that thwart expected governmental norms, instead creating ungoverned spaces of indigeneity. For example, it is illegal to occupy and live on the margin of the highway, yet the Paraguayan state did nothing to evict the Sawhoyamaya community while it remained on the road for twenty years nor the Yakyé Axa community that has been in the margin since 1993. Until the Inter-American Court issued its judgments, few people among the three claimant communities had identity documents; they were “invisible in the eyes of the state” and excluded from the benefits afforded to citizens, according

to the current President of INDI.<sup>150</sup> If indigeneity can be read as a logic for organizing governable space across the Americas (see e.g. Wainwright and Bryan 2009; Bryan 2011, 2012), in Paraguay Enxet and Sanapana indigeneity—in relation to the state—has served to produce ungoverned spaces that serve as the vehicles for political claims.

My discussion of the Inter-American Court cases in previous chapters focused on how each community has been a victim of histories not of their choosing and of the state-as-*patrón*. The chapters centered on the histories and present form of violence, dispossession, and oppression against each community. I do not suggest that the Enxet and Sanapana are passive victims merely waiting for the state to ensure their rights: they are not. Each community has long engaged in political mobilizations and legal struggles to advance their respective and collective cases. This chapter shows different strategies that the Yakye Axa, Sawhoyamaya, and Xákmok Kásek communities use to rework long-standing oppression to create new political possibilities.

Many people from the three communities cite their role in the *lucha*<sup>151</sup> as key aspect of their personal and communal identity. During numerous casual conversations or interviews, people from the claimant communities would often say things like: “I have grown up in the *lucha*,” “every day we live in the *lucha*,” “the state does nothing so we have no choice but to keep fighting,” or “*Ña* Antonia was a great fighter for the community.” The *lucha* is concurrently a source of indignation, pride, and ambivalence. It is undeniable that the duration and conditions of these struggles have exacted a serious toll on community members. However, the *lucha* provides a common goal around which each community coheres and the Inter-American Court

---

<sup>150</sup> Personal communication, July 4, 2017.

<sup>151</sup> The word literally means fight/struggle, but in this context specifically refers to the land claims process.

judgments are a source of pride. This chapter explicitly examines acts of resistance and interruption to think through indigeneity and being indigenous in the present conjuncture.

The present conjuncture demands new political actions because the old strategies have had limited impacts. As I have shown throughout this dissertation, Paraguayan multiculturalism and the implementation process have produced ungoverned sites and liminal legal geographies, rather than render people and place governable. Yakye Axa, Sawhoyamaxa, and Xákmok Kásek seek governance and the promise of state services that governance could provide in the form of schools, access to medical services, and assurance of rights in practice (see also Watts 2003). While I am suggesting that formal mechanisms of state governance is fleeting in these sites, I am not suggesting that people from the claimant communities live in an anarchic state; there are certainly forms of self-rule, social order, and internal governance. But my concern in this dissertation is not customary laws the Enxet and Sanapana use to internally govern their communities.

My goal is to evaluate the unintended consequences of indigenous rights in Paraguay and the different and changing modes of governance that it has produced. Doing so, shows that the promise of indigenous rights law and the ways that the Inter-American Court judgments could reform the state are nothing like what Enxet and Sanapana expected. Moreover, it reveals normative conceptions of the state and assumptions about how it *should* ideally behave in relation to its own law and the Inter-American Court judgments that Enxet and Sanapana actors have espoused over the course of their legal struggles.

The claimant communities have pursued all the legal measures and met all the necessary and available norms to make their claims before the state. Claimant community members have largely comported themselves in line with the mandates of Paraguayan multicultural policy and

indigenous rights law. In short, the Enxet and Sanapana have been exemplary self-governing indigenous subjects of the Paraguayan state. My discussion of indigenous rights and multicultural policy in Paraguay demonstrates that Enxet and Sanapana have long been enrolled in projects of self-governance, first by Anglican missionaries and later by the Paraguayan state. Scholars have argued in different ways that multiculturalism disciplines indigenous peoples to act as self-governing subjects (Ramos 1998; Povinelli 2002; Watts 2003; Hale 2005a; Muehlmann 2013).

However, the unintended consequences of multiculturalism in Paraguay and regular denial of indigenous rights on the part of responsible state actors have produced Enxet and Sanapana subjects who increasingly violate Paraguayan law to make state actors take action on their cases. The pattern of behavior exhibited by state officials over the many years these cases have spanned demonstrates the limits of law to meet the political demands of indigenous Paraguayans. Many claimant community members leverage the Inter-American Court judgments as if they were legally binding documents that ensure their rights. This was made abundantly clear to me during my most recent trip to Paraguay, when I visited Yakye Axa, Sawhoymaxa, and Xákmok Kásek in June 2017.

It was nice to have the opportunity to return and touch base with Enxet and Sanapana whom I have worked for the past few years on this project. Clemente Dermott, one of the leaders of Xákmok Kásek and I sat around a small fire in front of his house drinking *tereré* at 4:30 am. His wife Nelsie and newborn were interned at the nearest hospital in Loma Plata, some 150 kilometers away and most of his other children were gone. In the year that I had been away, his three sons had left to work on different cattle ranches across the Chaco. With so many of his family members gone, it was unusually quite at his home, leaving us with ample time to talk.

Clemente commented that community members were happy that the INDI finally completed the payment for 70% of the lands they have been claiming for nearly 30 years. But discontent was brewing in the community, as there is little hope that INDI will be able to secure the title for the land anytime soon. A pattern of familiar excuses as to why the title did not yet exist was circulating among pertinent state officials. Looking at the fire, Clemente noted that the community plans to give the state a few more months (three had already passed) to secure the title before they organize another political mobilization to force the state to take action. As he spoke, he shook his head with a familiar air of indignity that he often exudes in such moments and stated:

It is always like this. The state does nothing. Meanwhile the indigenous have to wait and suffer. But we have seen that when we protest and do things like the road closure, that is when the state takes notice and things happen. We are already planning a protest to make the state give us the title if they don't do it soon. We always have to do these kinds of things even though we have rights. We know our rights but they think the indigenous are stupid... We have the Court judgment and they have to comply.<sup>152</sup>

Clemente's words immediately resonated with the argument that I am making in this chapter. He acknowledged the issues I have raised and particularly the fact that many members of the three claimant communities feel that there is little option left but to resist through calculated moments of ungovernability to disrupt state inaction and force a response from government officials.

Members of Sawhoyamaxa and Yakyé Axa expressed similar discontents and desires to mobilize in ways that would make the state ensure their rights. In Sawhoyamaxa, multiple community members reported to me that they are considering new rounds of road closures to make the state fully enact the law of expropriation and transfer title to the community. Whereas

---

<sup>152</sup> Handwritten notes: July 8, 2017.



members of Yakye Axa expressed total frustration with the fact that the state has only constructed seven kilometers of the road needed to access their property in the last year: twenty-six kilometers remain. A woman from the community commented to me: “the state doesn’t govern. The state doesn’t do anything. All they do is care for the rich and let the indigenous suffer.” After that, she assured me that the community is going to seek a new round of sanctions from the Inter-American Court because “it is the only hope we have.”<sup>153</sup> Staging protests and petitioning the Inter-American System not only directly challenge the state to take action, but is a sort of politics of refusal. They refusals to continue waiting for the state to govern and set the terms of relation with Enxet and Sanapana actors. The Sanapana and Enxet now use calculated protest and direct actions to set the terms and renegotiate their relationship with the state.

Seeking governance should not be interpreted as an argument that Enxet and Sanapana peoples are deferential to the Paraguayan state. The three communities demand the Paraguayan state govern based on its existing laws to afford indigenous peoples the benefits of their rights. As I have noted throughout the dissertation, claimant community members want to be serious and legitimate political actors within the state and Paraguayan nation. Many Enxet and Sanapana who I worked with envisage land rights, development, and equal opportunity as key aspects of citizenship and participation within the state. People want to be incorporated within the state and have a safe, secure place where they can create opportunities for present and future generations of Enxet and Sanapana. The struggle is one for indigenous self-determination and ensuring the benefits of that.

To reiterate, I am not arguing that Enxet and Sanapana peoples are asking the Paraguayan

---

<sup>153</sup> Handwritten notes, July 9 2017.

state to *govern them* per se. I am arguing that Enxet and Sanapaná peoples want to govern themselves, have the space to do so, and are expressing their self-determination by making new political actions that skirt legality in the name of forcing the state to take notice and comply with the Court judgments. The elected representatives of each claimant community are savvy political actors that recognize they must contend with the Paraguayan state because full autonomy is not an option. Within that context the option that remains is to force the state to govern in accordance with its laws and legal responsibilities. My argument centers on an analysis of two interrelated, but distinct processes: making visible and becoming ungovernable. I first examine an advocacy campaign by Tierraviva and Amnesty International in collaboration with Yakyé Axa and Sawhoyamaxa. Next, I evaluate select moments of protest that the Xákmok Kásek community has recently used to force the state to resolve their land claim. In the final section, I consider the ramifications of these acts on how we understand indigeneity and being indigenous.

### **Making the invisible visible**

On October 22, 2015, I joined members of Yakyé Axa and Sawhoyamaxa at the inaugural exposition of the “*El Grito Enxet*” (the Enxet Cry) art exhibit at the *Centro Cultural Paraguayo Americano*<sup>154</sup> (CCPA) in Asunción. Upon arriving at the CCPA, I immediately

---

<sup>154</sup> The Paraguayan-American Cultural Center.

noticed that almost all the Enxet who came to the event were waiting outside the exhibit hall, talking quietly with one another. There was a small table with artisan wares women from the communities brought to sell, but there was not much business. Inside the exhibit hall were perhaps ten to fifteen *Asuncenos*<sup>155</sup> who, based on their name-brand clothing and behavior, appeared to be upper middle class. The *Asuncenos* milled about looking at the portraits, reading descriptions that accompanied them, and made comments condemning the living conditions and human rights violations the artwork exposed.

The exhibit featured paintings by artist Diego Schäfer and are part of a multi-year advocacy campaign organized by Tierraviva and Amnesty International on behalf of the Yakye Axa and Sawhoyamaxa communities. The campaign is “*Hacer visible lo invisible*”<sup>156</sup> (make the invisible visible). To make the invisible visible in this context is to cast light on the human rights violations against the Yakye Axa and Sawhoyamaxa communities. The artist “makes the invisible visible” by painting black and white portraits of people and daily life in the communities. Schäfer uses another layer of seemingly invisible paint that reacts with ultraviolet light to expose what was otherwise hidden in plain sight—human rights abuse caused by the negligence of the Paraguayan state. *Doña Florencia* is one of the images from the exhibit (see Figure 19).

---

<sup>155</sup> Colloquial name for people from Asunción, Paraguay.

<sup>156</sup> See Amnesty International (n.d.).



Figure 19. "Doña Florencia" by Diego Schäfer.

The painting highlights the fact that prior to the Inter-American Court judgments few, people from Yakyé Axa and Sawhoyamaxa had identity documents. Under normal lighting the viewer only sees Doña Florencia's face. But the ultraviolet light reveals her face on a ghostly state-issued identity document. The Paraguayan state did not issue them in the locations where the communities are situated and attaining the documents required a multi-day trip to Asunción. Lack of state-issued identity documents, including birth and death certificates, negated the Enxet full rights as citizens by denying them ability to vote and access some state services. Moreover, claimants could not prove to the Court exactly how many people died because of the roadside living conditions because many of those people lacked birth or death certificates. The lack of identity documents ensured community members were illegible to the state; people may have appeared as numbers on a census, but not as identifiable individuals with credentials to prove who they were. The Paraguayan state recognized the community as a legal entity even though many community members did not officially exist on any state registry. Documents with

thumbprints in place of state-issued I.D. number are lasting witness to the problem of identity documentation.

The portrait “*Doña Florencia*” was one of thirteen portraits. One painting depicted a young child playing with a bucket that, under the ultraviolet light, turns out to have been previously used for toxic chemicals. *Makateros* often sell the buckets cheaply and many people in the communities use them to gather and store water from the stock ponds. Another image, depicts an older woman weaving a basket from *caraguata’y* (a succulent) fibers. The fibers change to thread woven from plastic bags, evoking the fact that community members have sparse access to harvest forest resources necessary for cultural practices. The portrait that struck me the most was a portrait of Tomás Galeano. Tomás was one of the original leaders of Yakye Axa who helped initiate the land claim, but recently passed away. Tomás wears glasses that, under the ultraviolet light, reflect an ethereal image of the lands that Yakye Axa claimed, lands he was never able to return to. The portraits tell a broad story about the denial of rights and the impacts of dispossession on each community.

The act of *making visible* is a denunciation of the Paraguayan state. Making visible challenges official narratives claiming the state is working to ensure indigenous rights and implement the Inter-American Court judgments. Schäfer’s artwork creates a media space where community members and their allies can advance their political goals through what Gelman calls “claiming and shaming” (2017). In her recent work, *Democratization and Memories of Violence*, Gelman (2017) argues that indigenous peoples and ethnic minorities regularly employ a politics of “shaming and claiming” to advance their political struggles for rights. The strategy involves publicly mobilizing memories of violence to shame states for human rights abuses to claim rights from those states. “Making the invisible visible” is a clear example of that strategy.

I suggest that the very act of shaming and “making visible” has contradictory effects. The strategy can re-victimize subjects of human rights abuses by requiring them to recite their pain publicly. Shaming the state to claim rights often requires that victims of human rights abuses relive memories of those abuses publicly as a necessary political strategy: a cathartic and traumatizing experience (Gellman 2017). The CCPA reception and *El Grito Enxet* art exhibit illustrated the multiple effects of making visible in subtle, but clear ways.

A reception followed the inaugural events and launch of the exhibit. Waiters in formal attire brought glasses of wine or soda around to attendees. The thirty or so people present milled about and mingled. None of the people from Yakyé Axa or Sawhoyamaxa drank wine, but they did drink soda. *Asuncenos* drank wine and shortly thereafter began talking about the fact that Paraguayan politicians were “*sin vergüenza*” (without shame) for their behavior toward indigenous Paraguayans. As the night progressed and people drank more wine, the topic of conversation seemed to shift to other quotidian things pertinent to life in the capital city: potholes, new shopping malls, and plans for post-reception parties. There was a clear social differentiation between the *Asuncenos* and Enxet in attendance, with little interaction between the two groups. Many people from Yakyé Axa and Sawhoyamaxa left shortly after the opening ceremony to sit outside and talk with one another.

At one point, I was looking at the portrait of Tomás Galeano and his large glasses (see Figure 20). Anibal, one of the Yakyé Axa leaders, walked up and asked if I knew who Tomás was. I told him I have never met him but that I knew of Tomás. Tomás had encouraged Anibal to become a leader of the community, even though he was quite young at the time. Until Tomás’

suggestion, Anibal had been an “*estancionero*”<sup>157</sup> and drove cattle on nearby ranches. Anibal said he learned a lot from Tomás. He looked quietly at the painting before saying:

It is good that they did this [made the exhibit]. But it is hard to look at these and think of the suffering. When I see these pictures [*fotos*] they make me think, make me remember of a lot of painful things. Tomás fought for years, but was never able to see the end of the fight.<sup>158</sup>

After that, Anibal walked away and left the gallery.

---

<sup>157</sup> Cattle ranch employee who worked on horseback, a prestigious but dangerous position.

<sup>158</sup> Handwritten fieldnotes: October 22, 2015.

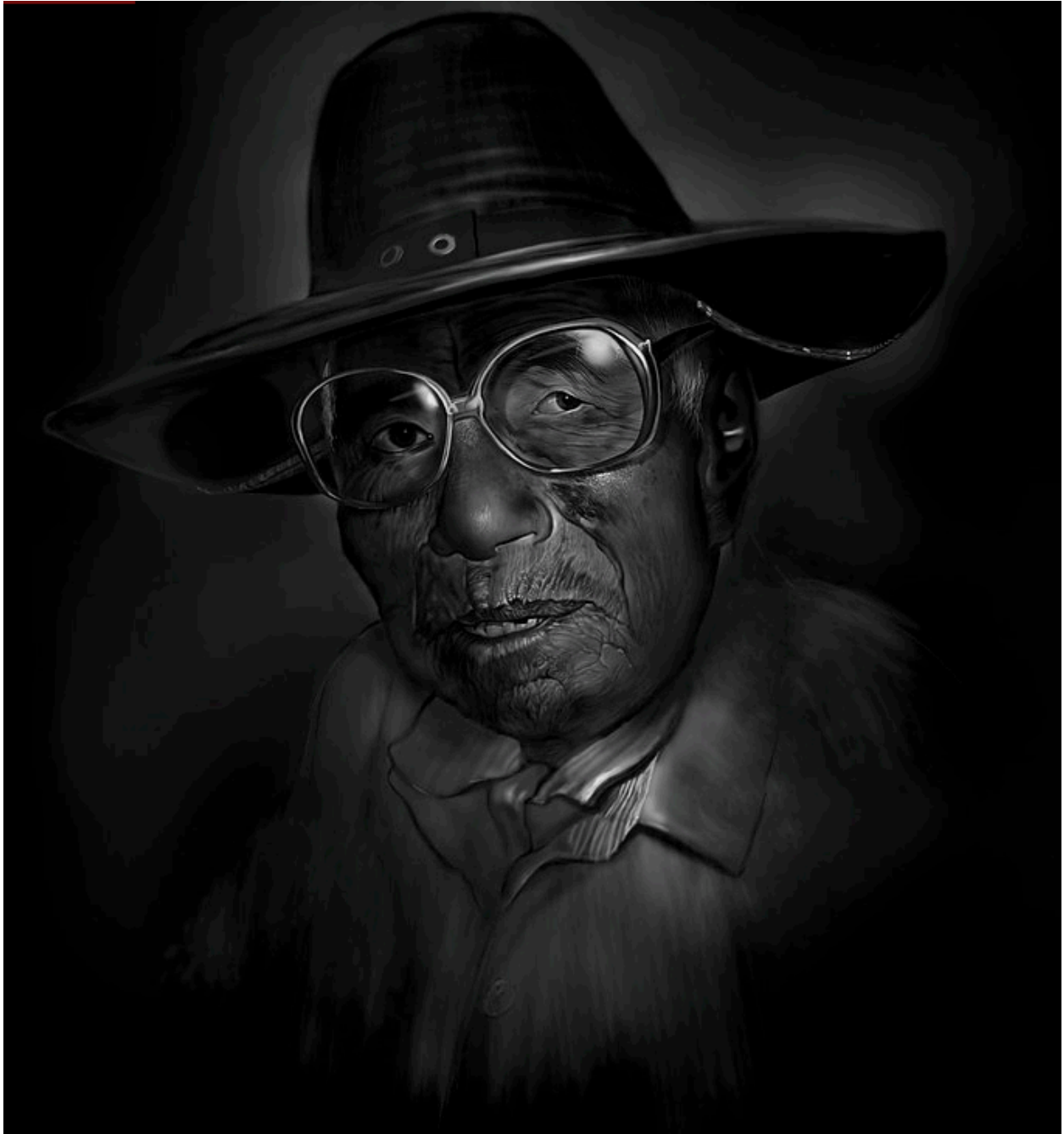


Figure 20. "Don Tomás" by Diego Schäfer.

Anibal's comments about the images on display at the art exhibit highlight one of the many processes of re-victimization that making visible entails. Making visible is an arguably necessary political strategy that objectifies mundane forms of violence and human suffering. The



images, while beautiful, are disassociated from the context they are abstracted from. Perhaps people from Yakye Axa and Sawhoyamaxa were intended to bring the artwork to life or to humanize the issues the portraits depict. Based on what I observed that night, the event objectified the Enxet and their suffering. Some of the people depicted in the portraits were in attendance, yet mostly silent: present as living images and stories rather than people who live the images framed on the walls of the CCPA.

The *indigenistas* coordinating the *Hacer Visible* campaign contend that the only way to confront injustice is to expose it. The campaign's goals are "to denounce the historical discrimination faced by indigenous peoples in Paraguay, educate in Human Rights and encourage participation in the defense of the Human Rights of Indigenous Peoples in Paraguay" (Amnesty International 2017). The campaign has raised the profile of the Yakye Axa and Sawhoyamaxa cases both within Paraguay and internationally, even garnering support from the renowned Puerto Rican reggaeton band *Calle 13*. Making visible creates new forms of trauma for the Enxet and Sanapaná who relive and recite the rights violations they have experienced. However, making the invisible visible has increased pressure on the Paraguayan state to act.

Making visible is a key way to challenge official state narratives that it cares for indigenous citizens and is working to implement the Inter-American Court judgments. The official state narrative intends to control the image of how the state handles indigenous affairs, but does so in such a way that occludes what is hidden in plain sight. I suggest that making visible, like Schäfer's portraiture, discursively disrupt narratives by Paraguayan state officials that proclaim the country respects multicultural rights and moreover that it is working diligently to implement the Inter-American Court judgments. The portraits provides a potent counter-narrative to official accounts about the implementation process. The images intend to make the

ungoverned spaces of indigeneity visible in an effort to build public support in pressuring the Paraguayan state to comply with the Inter-American Court.

### **Becoming ungovernable**

There is a contradictory and dialectic relationship between seeking rights and becoming ungovernable. Claiming rights requires entering a relationship with the state and consent to state governance to ensure those rights. Becoming ungovernable would seem to contradict the idea of seeking rights from the state. However, in the context of a state government that does little to actually govern its territory and citizens or respect the rule of law, Enxet and Sanapaná have had to employ new strategies to make the state govern. As the *Hacer Visible* example shows, the strategies take many forms. In the following pages, I focus on recent acts of protest because they show the relationship between making visible and ungovernability in the Enxet and Sanapaná struggles. The following examples show that ungoverned spaces of indigeneity are key sites of indigenous political subject formation in contemporary Paraguayan politics.

#### ***Sawhoyamaxa: Land and lumber***

If territory is the political technology of the modern state system (Elden 2010, 2013), then I suggest that private property the quintessential political technology states use to achieve socio-spatial governance because it renders space calculable, legible, and manageable (see Blomley 2003, 2007). Challenging the strength of private property rights can be read as a test of a state's ability to govern. In 2013, the Sawhoyamaxa community decided to challenge the state's ability to govern by reoccupying the land they have claimed and that the Inter-American Court

recommended the state retribute to the community.

The Sawhoyamaxa community had occupied the margin of the Pozo Colorado-Concepción highway in an ungoverned site for over twenty years. The Sawhoyamaxa community eventually ran out of patience and faith that state officials would resolve their claims, however. The pattern of behavior that the state demonstrated toward the Sawhoyamaxa case made it clear that nothing was going to change without a new form of action. The community reoccupied the land to force the Paraguayan state to take substantive action on the community's claim, which had stalled for seven years following the issuance of the Court's judgment in 2006. After months of careful and calculated debate, families from Sawhoyamaxa reoccupied the land in a highly publicized act intended to make their case widely visible. The reoccupation was an invitation to the Paraguayan state to see if and how officials would govern the Enxet community and institution of private property rights.

The community used its historic presence on the margin of the highway as justification for violating the property rights of *Grupo Liebig*, which owned the land at the time of reoccupation. A prominent member of Sawhoyamaxa once commented to me, "we grew tired of waiting. We waited on the side of the highway for over twenty years while the state did not respect our rights or the law. So, they [*Grupo Liebig*] say that we are here illegally. But the state is the one that doesn't respect the law. It is our right to be here."<sup>159</sup> Many people from the community reiterated a similar sentiment in our conversations. People from Sawhoyamaxa talked about their land reoccupation as the only remaining option in relation to a state that does not respect their rights through its own volition.

---

<sup>159</sup> Handwritten notes: January 30, 2016.

Sawhoyamaxa community members have not only conflicted with *Grupo Liebig* over the land itself, but also the activities on the land. Community members accuse the company of logging and stealing their forest resources; *Grupo Liebig* makes the same accusations about the community. But the logging conflicts again point directly to the issue of rights and governance—community members did not have the necessary environmental permits to sell lumber from the land. Like the land reoccupation, some community members see logging as a right because the state fails to implement the Inter-American Court judgment and uphold their rights:

They [state officials] tell us it is illegal to cut wood and sell it. Meanwhile, they do not pay the community development fund and do nothing to help us. What are we supposed to do? How are we supposed to eat? The way I see it, cutting the wood is our right and I have told others they can cut the wood as well.<sup>160</sup>

Like the land reoccupation itself, the act of logging is an unruly act that highlights the state's inability to govern. In effect, the logging underscores that the community occupies a space that the state does not govern and calls for the state to either enforce its laws or administer the community development fund and provide the services outlined in the Inter-American Court judgment. Logging pits community members against *Grupo Liebig* because the cattle ranching company has not ceded the title to the land, or legal rights to the resources on the land, and claims community members are stealing the company's resources. Logging brings the liminal legal geography of the Sawhoyamaxa case back into focus and shows that Enxet and Sanapana are using the ungoverned spaces produced by state inaction to interrupt patterns of state-neglect.

The recent actions taken by the Sawhoyamaxa community underscore the Paraguayan state's inability, or unwillingness, to govern indigenous affairs in accordance with domestic law.

---

<sup>160</sup> Handwritten notes: January 29, 2016.

President Cartes did not take action on the Sawhoyamaxa case or sign Law 5124/14 to expropriate the land until after community reoccupied the land *en masse*. Community members often told me that the reoccupation was the definitive action that made the state officials expropriate the land: “if we hadn’t crossed the fence, we’d still be stuck on the side of the road.” Other communities have taken notice of the advances made by the Sawhoyamaxa actions and are increasingly leveraging ungoverned spaces and creating moments of ungovernability to efforts to secure the space to be indigenous.

### ***Xákmok Kásek: Reoccupation and Road closures***

Inspired by the success of the Sawhoyamaxa community to achieve the law of expropriation after reoccupying land, Xákmok Kásek followed suit in February 2015. Like the community of Sawhoyamaxa, members of Xákmok Kásek calculated that if they reoccupied the area known to *Eaton y Compañía* as Retiro Primero either the cattle ranching company or the Paraguayan state would have to act in defense of private property. In turn, the community reoccupied the Retiro Primero land with great hope and anticipation for a speedy resolution to what had been a very long struggle. Yet, six months after occupying the land nothing had changed. The government had not meaningfully advanced the process of purchasing the land. *Eaton y Compañía* seemed ambivalent to the presence of the community. Moreover, living conditions at Retiro Primero were challenging: all sixty-three families occupied makeshift shelters not built for a long stay. I spent many months with the Xákmok Kásek community during their early occupation of Retiro Primero.

For the first six months after reoccupying Retiro Primero all sixty-three families lived in very close proximity to one another in homes made of plastic sheeting and tarps. The community was situated at the entrance of the ranch property where they could control access to the land but

also be most visible to passing traffic. The temporary establishment was intimate, shelters were constructed close to one another, often along family lines. Privacy was fleeting as most shelters did not have four walls but were open to the air on each end like a makeshift tent. At first glance, the community resembled a quickly constructed refugee camp. When I first arrived in late March moods were high; the community had not yet been on the land for one month and people were exploring sites they had not been in years while teaching their children about the land and planning where they would construct their homes. The air carried a charge of radical possibility as people speculated that the state would purchase the land any day, or that any day police would arrive to violently evict the community. It was an incredible act to reoccupy the land—something the community had been struggling for since the late 1980s. However, as weeks turned to months and the cold, damp winter set in, moods changed. Instead of daily hunting and fishing trips interspersed with soccer and volleyball games or community meetings, people stayed close to their shelters huddled near small fires trying to stay warm.

I vividly recall one week in June that began with a significant rain followed by days of light, but constant mist. The weather closed the road, turned the camp to mud, and made staying warm impossible. The change in weather helped spawn bronchial and sinus infections that seemed to spread to each household. This was, perhaps, the darkest week. Three days passed where almost no one spoke. With nowhere to go due to the mud and mist, nearly everyone stayed in their shelters. I sat with Clemente's family in relative silence—no one had anything to say. We just sat by the fire and waited out the days. I visited other families and friends in the community, but found similar circumstances in every shelter. Fatigue, hunger, and a general depression were wearing people down. By the third day of near silence and confinement, I felt like I was going to break. That day, I watched a good friend of mine, Marcos<sup>†</sup>, walk from his shelter toward the road

where men would go to urinate. But he was not really walking; it was more of a shuffle that appeared like he was moving in slow motion. With a Kentucky brand cigarette dangling from his lips, Marcos' eyes were fixed on a point far in the distance; he barely lifted his feet off the ground as he moved. At first, I did not understand what was happening, but I came to realize that there was no reason for Marcos to move at a normal pace. Thirty years of struggling for land rights had brought the community so close to achieving its goal, back to the land. But it had also left them in a liminal condition punctuated by state inaction that highlights an important temporal aspect of the gap: waiting.

Perhaps one of the more vexing, frustrating, and psychologically taxing aspects of this part of the Xákmok Kásek struggle was that the community was so close yet so far from achieving its goal. To the community's surprise, financial hardship had fallen on *Eaton y Compañia* and they no longer resisted selling the land to the community. The company began to actively lobby the state to purchase the land and never threatened to dispossess the Xákmok Kásek community after the reoccupation. Moreover, nearly all pertinent political actors within the Paraguayan government were publicly in favor of resolving the claim: The President of INDI, the Vice President of the Republic, and Minister of Finance who stated that the necessary funds were available to purchase the land. Nevertheless, the state failed to take any action on the case, reiterating an all too familiar trend the community had experienced since beginning their land claim in the late 1980s. The state was acting as *patrón*, withholding the land for an unknown reason.

Frustrated with the lack of action, members of Xákmok Kásek determined that their act of retaking Retiro Primero was not significant enough. The land reoccupation was only visible to community members, representatives of *Eaton y Compañia* or the few people who happened

down the road that passes the ranch. Consequently, the community members decided that they would wait no more and instead planned to stage a multiple day protest to block the Trans-Chaco highway. More than a mere act of protest, the Xákmok Kásek staged the event to make their case visible before national and international actors and to create broad impacts.

The road closure was timed to occur just prior to Pope Francis' visit to Paraguay with the goal of forcing the state, and particularly President Horacio Cartes, to resolve the land claim. Very few members of Xákmok Kásek identify as Catholic, but they certainly recognize the importance of Catholicism within Paraguay and to the greater Paraguayan society. The road closure was timed to stop the faithful traveling by road from Bolivia or the Central Chaco to Asunción to participate in the Papal visit. The goal was to generate enough anger that the faithful would call their legislators in protest of the protest to create greater political visibility of the road closure and its motivations.

The community timed the protest to impact the cattle ranching industry. The Central Chaco is home to some of the most significant dairies in Paraguay. The dairies were slated to increase the production and transport of perishable goods to Asunción to accommodate the expected influx of tourists coming to see the Pope. Local news media reported that ranchers were increasing their shipments of live cattle to slaughter houses in the Asunción area for the events. The road closure threatened to block the sole artery through which the political economic lifeblood of the *Chaqueño* ranching industry flows. Leaders from Xákmok Kásek thought that threatening the profits of the Central Chaco dairies would make the state respond because cattle ranchers are influential actors in Paraguayan politics.

Finally, the Xákmok Kásek community chose to test the Paraguayan government's



resolve, betting violent repression would be caught on film<sup>161</sup> and disseminated internationally to shame the state and evoke a response from the Pope if none of the other strategies worked. Prior to the road closures, community's leaders and representatives agreed to use an official narrative to explain their political motives:

They say that Pope Francis is going to bring peace and tranquility to Paraguay. But we are not going to have peace until the Paraguayan state acquires the lands that belongs to us and gives them to the community. Without land there is no peace, no tranquility. If you [police officers] beat us, the world will see that there is no peace, no tranquility. We are only here fighting for what is ours, what the national constitution, the law and the Court says is ours, our ancestral lands. You are breaking the law by not respecting our rights so we break the law to make you respect our rights.<sup>162</sup>

In short, Eugenio<sup>†</sup> plainly stated that the state's inaction forced the community to protest so the state would govern by its own laws. Civil disobedience is one thing, but to close a national highway is disobedient *and* unconstitutional; road closures deny other citizens' right to free transportation and travel without hindrance. Community representatives, however, had agreed on an official discourse to use with state officials and police during the protest: if the state itself breaks the law, its citizens must break the law as well to make the state stop breaking its own laws. Eugenio's argument is strikingly like the logic used to justify the Sawhoyamaxa reoccupation and logging.

Like the Sawhoyamaxa land reoccupation, the Xákmok Kásek road closure was a well-orchestrated display of resistance that centered on becoming ungovernable and making visible—

---

<sup>161</sup> One of my roles as a participant observer of the protest was to be present and ready to film speeches, interactions with state officials, and any other pertinent activities during the event. The Xákmok Kásek leadership requested I do so to create a record of the events for the community and to document any violence if it occurred.

<sup>162</sup> Excerpt of speech given by a representative of Xákmok Kásek, delivered to Paraguayan officials and police officers attempting to deny community members access to the Trans-Chaco highway during the road closure protest. Recorded speech: July 7, 2015.

acts that interrupt the status quo of Enxet and Sanapana relations with the Paraguayan state regarding the Inter-American Court cases. The road closure took place over four days. Staged thirty-some kilometers from Retiro Primero, just south of the town Rio Verde, the Xákmok Kásek community first occupied a bridge that crosses the Rio Verde River. The protest took place near Enxet communities that comprise part of the former Anglican missionary project *La Herencia* to ensure a significant turnout in support of the effort.

Police and protestors changed their strategies each day, like a game of cat and mouse. The Xákmok Kásek community pushed their literal disruption of traffic and symbolic disruption of the status quo to the limit while state officials sought to discipline the protest under the auspices of providing security and maintaining order. On the first day, the Sanapana and Enxet occupied the bridge that crosses Rio Verde. Few state officials were present, aside from local police and a brief visit by the ex-governor of Presidente Hayes. Some members of Xákmok Kásek made political speeches over a loudspeaker and other people in attendance milled about or participated in the *chokeo*, a ritual dance. However, the event was gloomy. Low clouds threatened rain and the constant, light mist dampened peoples' moods. Spirits were mixed: the event did not seem to have a major impact. Instead of drawing ire, a few travelers and truck drivers approached the protestors to ask what was going on or watch the *chokeo* as if the activity were a spectacle. We camped near the Rio Verde bridge after the day's activities and sat around campfires, strategizing ways to make a bigger impact. Some people in the group, however, questioned if it was even worth continuing and suggested that influential state officials would not pay attention.

When we awoke the next day, “*cascos azules*” (riot police) had already arrived from Asunción and more police officers were present to ensure traffic would not be obstructed again.

The event had an impact. With their characteristic blue helmets, the riot police lined the road in an impressive show of force, accompanied by the Chief of Police for the Villa Hayes district (see Figure 21). The presence of the riot police raised tensions considerably: both police and protesters were palpably nervous. Some 150-200 Enxet and Sanapana had gathered near the camp, down an embankment on the side of the highway. Protestors held signs reading “comply with the Inter-American Court,” “we demand the immediate restitution of our ancestral territory,” and the names of various other indigenous communities that were present. The riot police stood between protestors and the highway, allowing cattle trucks and other traffic to pass. They threatened to use force if the protestors decided to close the road again.



Figure 21. Local police on the left. Riot police on the right. The police are on the edge of the highway and the Enxet and Sanapana protestors are off camera to the right down the embankment (photo by author).

After negotiations with the Villa Hayes Chief of Police failed, Eugenio picked up a

microphone attached to a loudspeaker, moved to the front of the protestors, and began to talk. He delivered a rousing speech about the motivation for the protest, the problems of implementing the Inter-American Court judgments, and indigenous rights in Paraguay. As he spoke, the crowd pushed forward in slow waves, up the embankment and to the edge of the riot police. The Chief of Police said that they would not allow the protestors to retake the road. Eugenio replied by citing Chapter five of the Paraguayan Constitution, arguing that the Paraguayan state was breaking its constitutional commitment to its indigenous citizens by habitually denying Xákmok Kásek land rights. He reiterated that the protestors would break the law and close the highway because the state breaks the law, leaving the community no other option. Eugenio asked the Department Chief for permission to carry on with the protest. When the Chief denied his request, Eugenio cried “close the road brothers and sisters!”

Arm in arm Enxet and Sanapana pushed forward in quick concert, clashing with the police. Much to our surprise, the police did not reply with physical violence and only tried to stop people from accessing the road. In the exchange, some women fell to the ground and a wave of protestors swarmed in the confusion. Surprised, the riot police formed a barrier in front of the bridge and the protestors stormed the road. The exchange was brief but intense, amplified by the cacophony that erupted once the protesters were on the road: one leader from Xákmok Kásek carried a portable loudspeaker on his shoulder blaring the national anthem in Guaraní, another was making announcements with a bullhorn, women on the frontlines were crying and yelling that they were willing to die if it meant their children could have a future on the land they sought, a shaman chanted, and the crowd applauded. The sounds and sights created a heady mix of fear, patriotism, self-determination, frustration, and exhilaration that captured the feeling of becoming ungovernable.

Once the dust settled and the lines were set, with the riot police on one side and protestors on the other, the road was again blocked. In their efforts to stop protestors from taking the bridge the police inadvertently formed an important part of the road closure by creating an impenetrable barrier across the highway. Traffic backed up for miles to the north and south of the blockade, as Enxet and Sanapana held the road in defiance of the Paraguayan state for almost six hours. At the end of the day, everyone peacefully left the road. The President of INDI had agreed to travel to Rio Verde with the Special Advisor to the Vice President of Paraguay the following day to begin direct negotiations with Xákmok Kásek.

When the President of INDI did not arrive the following day, the Xákmok Kásek community took to the highway again. This time, they agreed with the police that they would only occupy one lane of traffic and allow vehicles to pass. Instead of closing the road, they walked from Rio Verde to Jerusalén, one of the Enxet communities established by the Anglican settlement project. The police agreed to the terms and a group of approximately 150 protesters walked down the southbound lane of the Trans-Chaco carrying signs in near silence. Between Rio Verde and Jerusalén lies one large bend in the highway; it is impossible to see more than a few hundred meters ahead at any time.

As we rounded the curve, the surprise that awaited came into view: the Jerusalén community had already closed the road. Fearing more police repression, the leaders of Xákmok Kásek formulated a new plan overnight, which involved the help of Jerusalén to close the road so that when Xákmok Kásek arrived they would join forces for the third day of the protest. As we walked toward Jerusalén, a former lawyer for Tierraviva commented that we were witnessing an historic moment, where different indigenous communities were coming together in an act to assert control over their ancestral territories and exert their authority to govern. That is precisely

what was happening (see Figure 22).



Figure 22. The road closure at Jerusalén, looking north up the Trans-Chaco highway one sees a long line of traffic waiting (photo by author).

The police were visibly frustrated by the shift in tactics that had taken place, which exposed the government's lack of ability to control the situation. A few hours after the blockade had been in effect, a new state official appeared: the head of all security services for the Presidente Hayes Department, a former military officer dressed in camouflage fatigues who took a stern tone with community representatives. Despite his tone, the disruptions were proving to work, with each passing day a more significant Paraguayan state official arrived to respond to the situation. Negotiations lasted for hours. Xákmok Kásek leaders agreed to lift the road closure after the President of INDI and Special Advisor to the Vice President agreed over *Radio Pa'i Puku* to arrive by 10:00 AM the following day.

The President of INDI and Special Advisor to the Vice President arrived by air force helicopter, making a dramatic entrance and with uncommon punctuality. The meeting took place publicly, in Jerusalén, under the watchful eye of over 200 witnesses, national and international

media, and recorded by untold numbers of cellphone video cameras posting to Facebook and WhatsApp. The meeting lasted for nearly two hours and resulted with both officials agreeing to purchase the land for the Xákmok Kásek by authorizing the release of the necessary funds within three weeks of that date. There was a cautious optimism in the air when both state officials shook hands with the respective indigenous authorities then left with the police.

The land purchase did not advance for the rest of 2015, despite the success of the road closure protest. Community members traveled to Asunción multiple times over the course of the following months to lobby state officials and request the immediate resolution of their land claims, but to no avail. In April 2016, the community staged a final act to make the Paraguayan state's delinquency visible in the heart of the nation.

Approximately sixty community members—women, men, children, and babies—occupied the sidewalk in front of the Ministry of Finance for three days. They demanded the Minister of Finance release funds to purchase the Retiro Primero land and transfer the title to the community. The community members slept, ate, and maintained vigil on the sidewalk in the heart of downtown Asunción. They camped across the street from a famous diner—the Lido Bar—with expensive “*comida típica*” (typical food) where many *Asuncenos* eat empanadas that cost nearly as much as the wage for a day laboring on a cattle ranch. On the other side of the street lies the national mausoleum where the nation's greatest heroes are buried in the Panteón del los Heroes. Indigenous Maka women often sell artisan goods on the steps of the Panteón while their kids wait near the Lido Bar asking for change or trying to sell gum to tourists.

Marginalized indigenous peoples in the heart of the country is mundane, part of the landscape, part of the infrastructure of downtown Asunción. Nonetheless, it is startling to find sixty indigenous people sleeping on the street in front of the Ministry of Finance with banners



implicating the state's culpability for their situation (see Figure 23). Police usually restrict indigenous street protestors from occupying such prominent central locations, but friends from Xákmok Kásek told me that the police are “afraid of the Inter-American Court judgments.” After three days on the sidewalk, representatives from Xákmok Kásek met with state officials and the majority owner of *Eaton y Compañia*. The parties signed the papers to initiate the purchase and transfer of 7,701 hectares of the total 10,000 that the community claims. The state finally yielded to the Xákmok Kásek claim.



Figure 23. Xákmok Kásek protest in front of the Ministry of Finance in downtown Asunción, April 19, 2016. The protest was timed to correspond with international indigenous peoples' day, specifically to draw attention to the fact that being indigenous in Paraguay requires sacrifice and extreme measures to ensure that the state governs (image courtesy of Clemente Dermott).

### Becoming and Being indigenous



Through repeated acts of disruption and protest, the Xákmok Kásek community called the Paraguayan state to govern, asserting their ability to force the state to react. Creating moments of ungovernability opened opportunities for members of Xákmok Kásek to set the terms of engagement and govern the activities and space they occupied during the road closure. By asserting a certain degree of control over different spaces in the protest area, the Enxet and Sanapana were able to force the state to increase its presence in the protest sites and enter into different forms of negotiation with the community.

Being indigenous in relation to the Paraguayan state had clearly changed from the days of *Marandú* or early efforts to gain official recognition and *personería jurídica*. Being indigenous was synonymous with more political power and ability to negotiate directly with the state. Over the many years each claimant community has struggled for land from the Paraguayan state, it appears that they are often only able to advance their claims by interrupting the status quo. Paraguayan state officials have long demonstrated that they are willing to allow indigenous peoples to occupy ungoverned spaces that negate their rights. However, the Enxet and Sanapana refuse that status quo and are forcing rewriting the cartographies of indigeneity in Paraguay by challenging the territorial power of cattle ranchers and forcing the state to reconcile with indigenous claimants on terms they set (see also Simpson 2014; Coulthard 2014).

Petitioning the Inter-American System for arbitration is also an example interrupting the pattern of state neglect to arbitrate indigenous land claims or provide services and representation to indigenous Paraguayans. By petitioning the IACHR, the three claimant communities took their cases outside the realm of direct state control and sought another authority to adjudicate on their behalf. Appealing to the Inter-American System cedes authority to decide on the cases to actors outside of each claimant community, but also opens a space where claimant community

members can challenge the narratives and actions of the state in new ways. In this way, petitioning the Inter-American System and taking the cases to Court is a form of interruption that challenges the stories and actions of colonizers on the part of indigenous peoples (see also Simpson 2014). The Inter-American Court judgments and process of petitioning the Inter-American System made the Paraguayan state's inability to govern indigenous affairs visible internationally, but also challenged the state to govern and resolve the cases.

What I have tried to show in this chapter is that Enxet and Sanapana peoples have followed the law and the mandates of the Paraguayan state for decades with contradictory results. Every day that passes without the resolution to the Inter-American Court cases reminds claimant community members of their marginal position vis-à-vis the state. Comments from people like Jorgelina of Yakye Axa who, virtually yelling and with tears in her eyes, asked to everyone and no one present during a group interview on the side of the highway: "how long do we have to wait here suffering?!" I heard comments like Joregelina's reiterated over the course of my field research. For many, protest, disruption, and moments of becoming ungovernable seem to be the only option to challenge historic inequities created by the ungoverned spaces of indigeneity. Serafin's comment comes to mind again: "There is no other option. We will no longer wait with our arms crossed."

Marx once said people are subjects of histories not of their own making or choosing. That is precisely the case in the Yakye Axa, Sawhoyamaxa, and Xákmok Kásek communities. Working from a history not of their choosing, each community has employed different strategies of disruption and protest to force the state to govern, to resolve their pending claims. To have the space to "be indigenous" and begin to make histories of their own choosing, Enxet and Sanapana peoples have been left no option but to take extra-ordinary measures in acts of self-determination

that are redefining their political relationship with the Paraguayan state.

The unruly acts that each community has taken over the course of their struggles, particularly road closures, public protest, and land reoccupations, are not strategies or choices that are taken lightly or acts that are enjoyable. Quite the opposite is true. Decisions to stage major protests are only made after long periods of community discussion and debate. Each act of protest exacts an emotional and physical toll on the people involved. Many Enxet and Sanapana stated that such acts are painful. The acts maintain a focus on what could be, but is not yet. They not only require claimant community members to share their pain, but to relive that pain in relation to the histories that brought them to the space of protest.

In Chapter Two, I argued that Enxet and Sanapana peoples became indigenous by way of forging new relationships with the state vis-à-vis the right to have indigenous rights. I noted that indigeneity is a relational concept, a shifting and dynamic subject position that is constantly in a state of becoming and never complete. But the examples that I have shown throughout the dissertation also suggest that Enxet and Sanapana indigeneity is also illustrates “colonialism’s ongoing existence and simultaneous failure” (Simpson 2014, 7). Being indigenous by definition refers to a geographic, temporal, and social alterity that is something “other” than that of the colonizing majority.<sup>163</sup> But the interruptions, disruptions, and acts of self-determination exhibited by Enxet and Sanapana peoples also show that the colonization of the bajo Chaco has failed to suppress and assimilate indigenous peoples. The Enxet and Sanapana whom I worked with sought governance, or at least the promise that governance would bring a better life. They sought autonomy to self-govern and live per the norms and customary laws of their own communities

---

<sup>163</sup> For different discussions of this idea see: Povinelli (2002), Niezen (2003), de la Cadena and Starn (2007), Coulthard (2014), and Simpson (2014), among many others.

and as members of the Paraguayan nation. More than anything, they sought a space to be and for their children to be. That is the point—Enxet and Sanapana peoples have been forced into situations and histories not of their own choosing where they must become interrupt histories of oppression and dispossession to create the space and exert authority to be indigenous because the state will never facilitate this end on its own.

## EPILOGUE

The Yakyé Axa, Sawhoyamaxa, Xákmok Kásek, and Kelyenmagategma struggles continue. As I write these words, people in each community are still confronting many of the problems and challenges that I have discussed throughout this dissertation. However, they and their allies are slowly closing the gap. Yakyé Axa is cautiously hopeful that the MOPC will finally complete the road to their land after a new round of negotiations (Amnesty International 2017). Sawhoyamaxa continues to utilize the land in accordance with Law 5124/14, despite the reticence of *Grupo Liebig* to surrender the title. The Xákmok Kásek community is using the 7,701 hectares of land the Paraguayan state finally purchased for them in March 2017. INDI completed the official survey of the Kelyenmagategma property. But, much remains to be done; rights remain fragile and the rule of law fleeting. I conclude by way of a brief discussion and reflection on the dissertation.

Throughout this dissertation I traced the politics of indigeneity, dispossession, and land rights as they have emerged in different sites, over time, and under different conditions to give an ethnographic and analytical reading of life in the gap. One of my primary goals was to show that the gap can be read in different ways. The gap is a heuristic to understand dispossession in its many forms: dispossession from land, dispossession from rights, dispossession from dignity, from self-determination. Time is also key to how the gap operates. Not only is it a spatial or geographic metaphor, but the gap indicates a space in time between expected outcomes and the actual process of implanting the Inter-American Court judgments. Temporality, as much as spatiality, is key to the operation of and way that different people experience life in the gap. For

some, living on the side of the road for twenty years while fighting for land rights from the state is akin to a prison sentence. For others, the gap is literally a lifetime marked by the delivery of “temporary” emergency food rations or patterns of broken promises and passed deadlines when state actors would resolve the land claims. But I have also tried to show that the gap is not merely oppressive. Gaps can be closed; they have the possibility of being be bridged. Therefore, I use the language and notion of the gap to think with the contradictory forms of political possibility created by dispossession. I do so by evaluating different strategies that the claimant communities and their allies have employed to close the gap. Thus, the gap is simultaneously a form of dispossession and site of political possibility. I have tried to maintain that tension in each chapter and across the entire dissertation. The Enxet, Sanapana, and *indigenistas* whom I worked with and collaborated on this project maintain a clear focus on the problems at hand, but always look toward the horizon.

*Life in the gap*, is an ethnography of three communities’ efforts to articulate their right to have indigenous rights, navigate dispossession, and create new spaces to be indigenous through acts of self-determination that disrupt historic patterns of state-indigenous relations. I use this dissertation to make one central argument: laws designed to ensure rights often create spaces and situations that negate rights, producing contradictory outcomes—what I call liminal legal geographies that simultaneously produce dispossession and political possibility. This dissertation attempts to untangle the histories of colonial and capitalist enterprises in the bajo Chaco to understand indigenous subject formation vis-à-vis a host of sovereign actors: Anglican missionaries, cattle ranchers, and the Paraguayan state. I centered on the land politics because they are a chief concern to the communities that I worked with. I also focused on the issue of land rights because they are the basis upon which the Inter-American Court found the

Paraguayan state guilty of human rights violations. The Paraguayan state's persistent and systematic denial of land rights, legal protections, and due process for the Yakyé Axa, Sawhoyamaxa, and Xákmok Kásek cases created and maintained the extreme marginalization of these communities.

The first chapter, "Placing the Chaco and (dis)placing the Enxet and Sanapaná," argued that Anglican missionaries created an indigenous labor force that not only facilitated primitive accumulation in the bajo Chaco, but ensured the continuous dispossession of indigenous peoples. The project of indigenous self-rule, in other words "pacification" (Grubb 1911, 1914) or assimilation, intended to create docile indigenous subjects who would provide the labor force for ranching interests in the bajo Chaco. The Anglican Mission was predicated on cattle ranching and facilitated the spread of commercial cattle ranching and the colonization of the region. Moreover, the chapter showed that the Paraguayan state relied on pseudo-state actors to create the conditions whereby the state could materially reterritorialize the region. Indigenous labor, in the service of the Anglicans and cattle ranchers, cleared the forest and built the Chaco, placing it within the Paraguayan state and simultaneously (dis)placing themselves within that space.

Chapter Two, "Becoming indigenous," argued that Enxet and Sanapaná "became indigenous" through new relationships with the state and cattle ranchers that were mediated and defined by the law. I drew from Arendt's (1968) notion of the right to have rights to suggest that indigenous rights laws "changed everything" in terms of providing new political possibilities and emergent indigeneity. Drawing from key informant interviews, I showed that the efforts of *indigenistas* were critical in spreading the news about rights and facilitating indigenous political subjectivities and mobilizations. While indigenous peoples had long been exploited as disposable labor on the ranches, indigenous rights law and multicultural policies promised the tools to take

back the ranches. However, I also showed that the law comes with no guarantees. While the law changed everything in terms of subject formation, it did little to undo preexisting power relations and histories of racism. Indeed, the law served to create new forms of dispossession.

In Chapter Three, “State-as-*patrón*,” I argued for a notion of the Paraguayan state-as-*patrón*. The history of cattle ranching and *latifundia* land control in the bajo Chaco established a socio-spatial order and asymmetric power relations that the state mimics in how it governs indigenous affairs. Building from Mitchell’s (1991) notion of the *state effect* I argued that Paraguayan state is most present in the lives of indigenous *Chaqueños* when it is absent. I showed that patterns of haphazard behavior reiterated over time produce predictable unpredictability that is simultaneously a type of rule and what gives the state-as-*patrón* its form, reified as a non-indigenous male figure and most present through its absence when people call it into existence. The dual meaning of the Spanish word *patrón* was key to my analysis. Thinking of the state as a personified *patrón* revealed the personalized forms of power and ways that people come to know the state through direct interactions with state officials. On the other hand, examining the state as a pattern of actions shows how state power operates through presence and absence and the ways that different actors conjure the state across time and space.

Chapter Four, “Implementing Inter-American Court Judgments,” develops the idea of liminal legal geographies: spaces created by the law but excluded from the law by persistent inconsistencies and the haphazard approach Paraguayan authorities use to implement govern indigenous affairs. I argued that the Inter-American Court judgments recommend a bundle of reparations that center on the restitution of land complemented by other provisions to spur development as a means of stopping human rights violations. I call the Court’s approach, *restitution as development* and examine key examples of the Paraguayan state’s efforts to



implement the Court's judgments. The examples clearly show that the pattern of haphazard and ad hoc behavior that distinguish the state-as-*patrón* are replicated in the implementation process and create new forms of dispossession and trauma. The examples reveal the limits of the Inter-American Court's authority to enforce implementation within the sovereign space of member states like Paraguay. Instead, the Court must rely on the political will of states that violate human rights to mitigate for past abuses. The Court's judgments have been crucial to advancing indigenous rights jurisprudence and the political power of the Enxet and Sanapana. But the implementation politics underscore that "winning" the case does not equate that the *lucha* has ended, only that new struggles begin.

"Infrastructures of dispossession," Chapter Five, returns to the hypothesis that I started this research project with, that multiculturalism and the claims process renders indigenous peoples and spaces governable in new ways. The findings of this study show that the opposite is true and refute my initial assumptions leading into this research. Building from examples outlined in previous chapters and examining new ones, I show that Paraguayan multiculturalism has produced ungoverned spaces of indigeneity (see Watts 2003) because the state lacks the political will to rule according to its own laws. Moreover, I draw from recent scholarship in anthropology on infrastructure and structural violence (Gupta 2013; Hetherington 2014; Li 2015) to argue that the mundane violence experienced in Yakye Axa, Sawhoyamaya, and Xákmok Kásek is infrastructural. It is a form of violence that is built into the material landscape, but also part of the underlying systems and unseen logics that maintain indigenous dispossession. The chapter responds to Hart's (2006; see also Li 2010b) call that we must "denaturalize dispossession" by showing that Enxet and Sanapana dispossession is anything but natural; it is systemic dispossession punctuated by virulent racist discourse. I suggest that the claimant

communities have long comported themselves as law abiding, self-governing subjects, despite the challenges that liminal legal geographies and infrastructural violence create.

The final chapter, “Disrupting the *patrón*, demanding governance, being indigenous,” focuses on recent acts of political mobilization and self-determination made by the three claimant communities. I argue that while the claimant communities have long comported themselves in accordance with the law and procedural norms to gain land rights and see that the state implements the Court’s judgments, times are changing and so are the political strategies. I examine recent examples illustrating that Enxet and Sanapana are using the ungoverned spaces of indigeneity (Watts 2003) as the vehicles to advance their political claims. The claimant communities take concerted and calculated actions to interrupt the status quo of indigenous-state relations to force the state to govern its own laws. One of the strategies is *making visible* and the other *becoming ungovernable*. Used in concert, the strategies often test the limits of the law to see if and how the state will respond. They are efforts to conjure the state to manifest materially and take substantive action rather than reproducing the state by denouncing its absence. Moreover, the disruptions represent new forms of Enxet and Sanapana self-determination that are forcing the state to reconcile with indigenous claims. The results of recent land reoccupations and political mobilizations in Asunción suggest that the strategy does have an impact on advancing the cases and making the state govern. Enxet and Sanapana efforts make the vagaries of the Paraguayan state visible and are themselves statements of being indigenous and defining the terms of what that means in the present conjuncture.

*Life in the gap* is riddled with dispossession, predictable unpredictability, and infrastructural violence. But life in the gap always contains the possibility that political action and perseverance will prevail. I close this dissertation with one last vignette, taken from my

fieldnotes, that recalls a conversation with Ignacia Ruiz from Xákmok Kásek.

Ignacia and I had been sitting, talking for well. We sat in hammocks that she had woven from plastic rope. Her son and sister listened and occasionally added comments to the conversation. Ignacia brought out her photos again. We flipped through them, talking about things that happened over the years. She paused when we got to one picture: a young woman wearing a navy-blue dress surrounded by other, older women holding sticks about three meters long with bells at the top.

Ignacia reminded me that it was picture of the “*baile kuña*”— an initiation dance done for women entering puberty. The picture was old, taken at Estancia Salazar before the community left the ranch. I had seen a copy of the picture before and understood that the legal counsel used it as evidence for the community’s Inter-American Court case.

Ignacia told me that it was a photo of the last time a woman in Xákmok Kásek had gone through such an initiation ceremony. She said it showed “*cultura indígena*.” Many people told me that although life was hard on the ranch, the community practiced ritual ceremonies because the ranch was on their ancestral lands. The practices became more infrequent with time and stopped all together when the community moved to 25 de febrero, a land that was familiar but foreign.

Ignacia hoped they would soon begin the *baile kuña* again because they were back on their lands, because they had finally reoccupied the land that they had been claiming from the Estancia Salazar and the Eaton family for the past 30 years. She explained that while they were at 25 de febrero they could not practice their traditional rituals because they were not on their land, but now that they were living back on their lands they could, and would, begin again.

She recalled, the men were not happy when they had to work for Eaton on this land because it was their land but they could not access it, because the community did not control it. She talked about how some of the men worked near the retiro to plant peanut crops for the Eatons on the best land in the area and how they built the old retiro.

Ignacia recalled that Eaton<sup>164</sup> loved this area of his ranch and that he called it the “heart of Estancia Salazar.” She asked if I had ever been to Retiro Primero.<sup>165</sup> I told her yes. She said the retiro I had seen was not Primero—it was just a retiro. With that she stood up and said that we needed to go see Retiro Primero; so, we did. Her sister, Estela, joined.

Ignacia’s house is not far from Retiro Primero, just over a kilometer by the route we took,

---

<sup>164</sup> She was talking about Roberto Eaton Sr.

<sup>165</sup> In the Paraguayan Chaco, a *retiro* is the Spanish word used to commonly connote a ranch house. Therefore, in this case, “*retiro primero*” means the first ranch house.

walking through old pastures, ducking through a few wire fences, then into young mesquite forest now encroaching on the pasturelands. The air was cooler under the trees, a bit of respite from the Chaco sun. As we wandered through the forest, Ignacia and Estela recalled numerous stories about labor exploitation and the challenges of life on Estancia Salazar—stories I had heard from many people.

Both women fell quiet as we approached a different stand of trees. In it were young mesquites and lots of brush, but there also older trees that had not been cut. An old grey post stood among the bushes and before I could ask, Ignacia announced that we had arrived at Retiro Primero. She recalled that Eaton Sr. used to fly in on his airplane and stay in the old farmhouse. “He used to love this place.” Rusted wires and a few posts are all that is left now. The three of us walked to the post. Ignacia looked at me and said:

He [Eaton] said, ‘I will never give even one centimeter of land to the indigenous. I will never give them the heart of Estancia Salazar!’ But now we have Eaton’s heart in our hands. It has been a long time and we have suffered a lot through the fight. Sometimes we didn’t think that we would make it. Now we are here. We are never going to leave<sup>166</sup> (see Figure 24).




---

<sup>166</sup> Fieldnotes: February, 28 2016.

## BIBLIOGRAPHY

- ABC Color. 2009. El estado no sabe cuántas hectáreas tiene en el Chaco. *ABC Color*. July 30. <http://www.abc.com.py/edicion-impresa/economia/el-estado-no-sabe-cuantas-hectareas-tiene-en-el-chaco-6461.html> [accessed June 15, 2016].
- Agamben, G. 1998. *Homo sacer: Sovereign power and bare life*. Stanford: Stanford University Press.
- Agnew, J. and Oslender, U. 2010. Overlapping territorialities, sovereignty in dispute: Empirical lessons from Latin America. *Tabula Rasa* 13: 191-213.
- Amnesty International. n.d. Hacer Visible Lo Invisible. Amnesty International. <http://www.amnesty.org.py/hacer-visible-lo-invisible/apoya.html>. [accessed March 3, 2017]
- \_\_\_\_\_. 2017. Situación actual de la comunidad indígena Yakye Axa. Amnestia Internacional, Paraguay. <http://amnesty.org.py/situacion-actual-de-la-comunidad-indigena-yakye-axa/> [accessed June 15, 2017].
- Anaya, S. J. 2004. *Indigenous peoples in international law: Second edition*. Oxford: Oxford University press.
- \_\_\_\_\_. 2009. *International human rights and indigenous peoples*. Second edition. New York: Aspen Publishers.
- Anglican Church. 1979. Paraguayan Chaco Indian Colony: Project presented by the Anglican Church in Paraguay, November 1977. Asunción, Paraguay. Anglican Church.
- Anthias, P. 2016. Ch'ixi landscapes: Indigeneity and capitalism in the Bolivian Chaco. *Geoforum* <http://dx.doi.org/10.1016/j.geoforum.2016.09.013>.
- Antkowiak, T. M. 2013. Rights, resources, and rhetoric: Indigenous peoples and the Inter-American Court. *University of Pennsylvania Journal of International Law* 35 no. 1: 113-187.
- \_\_\_\_\_. 2014. A dark side of virtue: The Inter-American Court and reparations for indigenous peoples. *Duke Journal of Comparative and International Law* 25 no. 1: 1-80.
- Archondo, R. 2007. La Guerra del Chaco: ¿Hubo algún titiritero? Análisis de “culpables” en un conflicto entre dos países pobres y tres pozos de petróleo. *Población y desarrollo* 34: 29-39.
- Arendt, H. 1949. “The rights of man”: What are they? *Modern Review* 3: 24-37.

- \_\_\_\_\_. 1968. *The origins of totalitarianism*. New York: Houghton Mifflin Harcourt.
- Bailliet, C.M. 2013. Measuring compliance with the Inter-American Court of Human Rights: The ongoing challenge of judicial independence in Latin America. *Nordic Journal of Human Rights* 31 no. 4: 477-495.
- Baletti, B. 2012. Ordenamento territorial: Neodevelopmentalism and the struggle for territory in the lower Brazilian Amazon. *The Journal of Peasant Studies* 39 no. 2: 573-598.
- Benda-Beckmann, F., and Benda-Beckmann, K. 2009. Space and legal pluralism: An introduction. In *Spatializing law: An anthropological geography of law in society*. eds. Benda-Beckmann, F., and Benda-Beckmann, K. pp. 1-29. Burlington: Ashgate.
- Benhabib, S. 2001. *Transformations of citizenship: Dilemmas of the nation state in the era of globalization*. *Spinoza Lectures*. Amsterdam: Koninklijke Van Gorcum.
- \_\_\_\_\_. 2004. *The rights of others: Aliens, residents, and citizens*. Cambridge: Cambridge University Press.
- Bennett, J. 2010. *Vibrant matter: A political ecology of things*. Durham: Duke University Press.
- Bennett, L. and Layard, A. 2015. Legal geography: Becoming spatial detectives. *Geography Compass* 9 no. 7: 406-422.
- Benson, M.H. 2012. Mining Sacred Space: Law's Enactment of Competing Ontologies in the American West. *Environment and Planning A* 44: 1443-1458.
- Bessire, L. 2014. *Behold the black caiman: A chronicle of Ayoreo life*. Chicago: University of Chicago Press.
- Bhabha, H. K. 2007. Boundaries, differences, passages. In *Grenzen differenzen uberergänge: Spannungsfelder Inter-und Transkultureller*. ed. Günsenheimer, A. pp. 29-48. Bielefeld: Verlag. ISBN 978-3-89942-794-3  
<http://icgs.ue.edu.krd/Articles/Bhabha%20K%20Homi,%20BOUNDARIES.%20DIFFERENCES.%20PASSAGES.pdf> [accessed June 1, 2017].
- Blaikie, P. and H. Brookfield 1987. *Land Degradation and Society*. London: Methuen.
- Blaser, M. 2009. Political ontology: Cultural studies without 'culture'? *Cultural Studies* 23 nos. 5-6: 873-896.
- \_\_\_\_\_. 2010. *Storytelling globalization from the Chaco and Beyond*. Durham: Duke University Press.
- \_\_\_\_\_. 2014. Ontology and indigeneity: On the political ontology of heterogeneous assemblages. *Cultural Geographies* 21 no. 1: 49-58.

- Blaser, M. and Escobar, A. 2016. Political ecology. In *Keywords for environmental studies*. eds. Adamson, J. Gleason, W, and Pellow, D. pp 164-167. New York: New York University Press.
- Blaser, M., Feit, H.A., and McRae, G. 2003. *In the way of development: Indigenous peoples, life projects, and globalization*. London: Zed Books.
- Blomley, N. 2003. Law, property, and the geography of violence: The frontier, the survey, and the grid. *Annals of the American Association of Geographers* 93 no.1 :121-141.
- \_\_\_\_\_. 2007. Making Private property: Enclosure, common right and the work of hedges. *Rural History*, 18: 1-21.
- Blomley, N., Delaney, D., and Ford, R.T. 2001. *The legal geographies reader: Law, power, and space*. Oxford: Blackwell.
- Bonifacio, V. 2013. Building up the collective: A critical assessment of the relationship between indigenous organizations and the international cooperation in the Paraguayan Chaco. *Social Anthropology* 21 no. 4: 510-522.
- Bradshaw, P. 2015. Ken Loach's Save the Children: The Film That Bit the Hand That Fed It. *The Guardian*. <http://www.theguardian.com/film/2011/sep/01/ken-loach-save-the-children>. [accessed April 1 2017]
- Braun, B. 2002. *The Intemperate Rainforest: Nature, Culture, and Power on Canada's West Coast*. Minneapolis: University of Minnesota Press.
- Braverman, I., Blomley, N., Delaney, D., and Kedar, A. 2014. *The expanding spaces of law: A timely legal geography*. Stanford: Stanford University Press.
- Bridge, G. 2014. Resource geographies II: The resource-state nexus. *Progress in Human Geography* 38 no. 1: 118-130.
- Brinkerhoff, D. W. 2000. Assessing political will for anti-corruption efforts: An analytical framework. *Public Administration & Development*, 20 no. 3: 239-252.
- Bruchell, G. 1996. Liberal government and techniques of the self. In *Foucault and political reason: Liberalism, neo-liberalism and rationalities of government*. eds. Barry, A., Osborne, T. and Rose, N., 19-36. Chicago: University of Chicago Press.
- Bryan, J. 2007. Map or be mapped: Land, race, and rights in eastern Nicaragua. PhD diss, University of California-Berkeley.
- \_\_\_\_\_. 2009. Where would we be without them? Knowledge, space and power in indigenous politics. *Futures* 41 no. 1: 24-32.



- \_\_\_\_\_. 2011. Walking the line: Participatory mapping, indigenous rights, and neoliberalism. *Geoforum*, 42: 40-50.
- \_\_\_\_\_. 2012. Rethinking territory: Social justice and neoliberalism in Latin America's territorial turn. *Geography Compass* 6 no. 4: 215-226.
- \_\_\_\_\_. 2015. Participatory mapping. In *The Routledge Handbook of Political Ecology*. eds. Perreault, T. Bridge, G. and McCarthy, J., 249-262. London: Routledge.
- Bryan, J. and Wood, D. 2015. *Weaponizing maps: Indigenous peoples and counterinsurgency in the Americas*. New York: Guilford Press.
- Butler, J. and Athanasiou, A. 2013. *Dispossession: The performative in the political*. Malden: Polity Press.
- Calhoun, C. 2008. Imperative to reduce suffering: Charity, progress, and emergencies in the field of humanitarian action. In *Humanitarianism in Question: Politics, Power, Ethics*. eds. Barnett, M.N. and Weiss, T.G., 73-97. Ithaca: Cornell University Press.
- \_\_\_\_\_. 2008. Forward. In *Engaging contradictions: Theory, politics, and methods of activist scholarship*. ed. Hale, C. R. pp. xiii-xxvi. Berkeley: University of California Press.
- Canova, P. 2015. Los Ayoreo en las colonias menonitas. Análisis de un enclave agro-industrial en el Chaco paraguayo. In *Capitalismo en las Selvas: Enclaves industriales en el Chaco y Amazonía indígenas (1850-1950)*. eds. Córdoba, L., Bossert, F., and Richard, N., 271-285. San Pedro de Atacama: Desierto.
- Carrasco, S. A. 2015. Public interest litigation in the Inter-American Court of Human Rights: The protection of indigenous peoples and the gap between legal victories and social change. *Revue Québécoise de droit international*, 199-220.
- Castree, N., Chatterton, P., Heynen, N., Larner, W., and Wright, M. W. 2010. Introduction: The point is to change it. In *The point is to change it: Geographies of hope and survival in an age of crisis*. eds. Castree, N., Chatterton, P., Heynen, N., Larner, W., and Wright, M. W. pp. 1-9. Malden: Blackwell.
- Chase-Sardi, M., Brun, A., and Enciso, M. A. 1990. *Situación sociocultural, economica, juridica-politica actual de las comunidades indigenas en el Paraguay*. Asunción: Centro Interdisciplinario de Derecho Social y Economía Política de la Universidad Católica.
- Chase-Sardi, M. and Colombres, A. 1975. *Por la liberación del indígena: Compilación del Proyecto Marandú documentos y testimonios*. Buenos Aires: Ed. del Sol.
- Chesterson, B. M. 2013. *The grandchildren of Solano López: Frontier and nation in Paraguay, 1904-1936*. Albuquerque: University of New Mexico Press.



- Chouliaraki, L. 2006. *The Spectatorship of Suffering*. London: Sage.
- Clochester, M. 1993. Pirates, squatters and poachers: The political ecology of dispossession of the native peoples of Sarawak. *Global ecology and biogeography letters* 3 no. 4/6: 158-179.
- CODEHUPY. 2013. Situación de los derechos a la tierra y al territorio de los pueblos indígenas en el Paraguay. Coordinadora de Derechos Humanos del Paraguay.  
<http://www.tierraviva.org.py/wp-content/uploads/2015/02/Situación-de-los-derechos-a-la-tierra-y-al-territorio-de-los-pueblos-ind%C3%ADgenas-en-el-Paraguay-11.pdf>.  
 [Accessed August 15 2016].
- Conklin, B. A. and Graham, L. R. 1995. The shifting middle ground: Amazonian indians and eco-politics. *American Anthropologist* 97 no. 4: 695-710.
- Cook-Lyn, E. 1997. Who stole Native American studies. *Wicazo SA Review* 12 no. 1: 9-28.
- Coombes, B., Gombay, N., Johnson, J. T., and Shaw, W. S. 2011. The challenges of and from indigenous geographies. In *A companion to Social Geography*. eds. Del Casino Jr, V.J., Thomas, M.E., Cloke, P., and Panelli, R., 427-489.
- Coombs, B., Johnston, J. and Howitt, R. 2012. Indigenous geographies I: Mere resource conflicts? The complexities in indigenous land and environmental claims. *Progress in Human Geography* Vol.36(6): 810-821.
- Corbridge, S., Williams, G., Srivastava, M., and Véron, R. 2005. *Seeing the state: Governance and governmentality in India*. Cambridge: Cambridge University Press.
- Coronil, F. 1997. *The magical state: Nature, money, and modernity in Venezuela*. Chicago: University of Chicago Press.
- Coulthard, G. 2014. *Red skin white masks: Rejecting the colonial politics of recognition*. Minneapolis: University of Minnesota Press.
- Cusicanqui, S. R. 2015. Chixinakax utxiwa: A reflection on the practices and discourses of decolonization. *South Atlantic Quarterly* 111 no. 1: 95-109.
- Dalla-Corte Caballero, G. 2012. *Empresas y tierras de Carlos Casado en el Chaco paraguayo: Historias, negocios y guerras (1860-1940)*. Asunción: Intercontinental Editora.
- Das, V. and Poole, D. 2004. *Anthropology in the margins of the state*. Santa Fe: School for Advanced Research.
- de la Cadena, M. 2010. Indigenous cosmopolitics in the Andes: Conceptual reflections beyond "politics." *Cultural Anthropology* 25 no.2: 334-370.

- DEEGC (Dirección General de Estadística, Encuestas y Censos). 2012. Pueblos indígenas en el Paraguay: Resultados finales de población y viviendas 2012. Dirección General de Estadística, Encuestas y Censos.  
<http://www.dgeec.gov.py/Publicaciones/Biblioteca/indigena2012/Pueblos%20indigenas%20en%20el%20Paraguay%20Resultados%20Finales%20de%20Poblacion%20y%20Viviendas%202012.pdf> [Accessed May 22, 2016].
- Delaney, D. 2010. *The spatial and legal pragmatics of world-making: Nomospheric investigations*. New York: Routledge.
- \_\_\_\_\_. 2014. Legal geography I: Constitutivities, complexities, and contingencies. *Progress in Human Geography*, DOI: 10.1177/0309132514527035.
- \_\_\_\_\_. 2016. Legal geography III: New worlds, new convergences. *Progress in Human Geography*, DOI: 10.1177/0309132516650354.
- Derrida, J. 1992. Force of law: The 'mystical foundation of authority' In *Deconstruction and the Possibility of Justice*. eds. Cornell, D., Rosenfeld, M. and Carlson, D., 230-298. New York: Routledge.
- de Guaranía, F. 2008. El idioma guaraní como resistencia e identidad cultural, entrevistado por Fátima Pérez y Lea Schvartzman. *Boletín oficial del Centro Cultural de la República El Cabildo* 1 no. 2: 18-19.
- de la Cadena, M. and Starn, O. 2007. Introduction. In *Indigenous experience today*. de la Cadena, M. and Starn, O. eds. p. 1-32. Oxford: Berg Publishers.
- de Warioux, Y. P., Garrett R. D., Heilmayr, R. and Lambin, E. F. 2016. Land-use policies and corporate investments in agriculture in the Gran Chaco and Chiquitano. *PNAS* 113 no. 15: 4021-4026.
- Duffield, M. 1996. The symphony of the damned: Racial discourse, complex political emergencies and humanitarian aid. *Disasters* 20 no. 3: 173-193.
- Dunn, E.C. 2012. The chaos of humanitarian aid: Adhocracy in the Republic of Georgia. *Humanity*, 1-23.
- Egan, B. and Place, J. 2013. Minding the gaps: Property, geography, and indigenous peoples in Canada. *Geoforum*, 44: 129-138.
- Elden, S. 2010. Land, terrain, territory. *Progress in Human Geography*, 34: 799-817.
- \_\_\_\_\_. 2013. *The birth of territory*. Chicago: The University of Chicago Press.
- Erazo, J. 2013. *Governing indigenous territories: Enacting sovereignty in the Ecuadorian Amazon*. Durham: Duke University Press.

- Escobar, A. 1995. *Encountering development: The making and unmaking of the Third World*. Princeton: Princeton University Press.
- \_\_\_\_\_. 1996. Construction nature: Elements of a post-structural political ecology. *Futures* 24 no. 4: 325-343.
- \_\_\_\_\_. 1998. Whose knowledge, whose nature? Biodiversity conservation and the political ecology of social movements. *Journal of Political Ecology*, 5: 53-82.
- \_\_\_\_\_. 2008. *Territories of difference: Place, movement, life, redes*. Durham: Duke University Press.
- ESCR-Net. 2016. Case of the Sawhoyamaya indigenous community v. Paraguay. Economic, Social, and Cultural Rights Network. <https://www.escr-net.org/caselaw/2013/case-sawhoyamaya-indigenous-community-v-paraguay>. [accessed September 1, 2016]
- Fanon, F. 1963. *The wretched of the earth*. New York: Grove Press.
- Fairhead, J. and Leach, M. 1996. *Misreading the African landscape: Society and ecology in a forest-savannah landscape*. New York: Cambridge University Press.
- Farcau, B. W. 1996. *The Chaco War: Bolivia and Paraguay, 1932-1935*. Westport: Praeger.
- Farmer, P. 1996. On suffering and structural violence: A view from below. *Daedalus* 125 no. 1: 261-2813.
- \_\_\_\_\_. 2004. An anthropology of structural violence. *Current Anthropology* 45 no. 3: 305-325.
- Ferguson, J. 2012. Structures of responsibility. *Ethnography* 13 no. 4:558-562.
- Folch, C. 2013. Surveillance and state violence in Stroessner's Paraguay: Itaipú hydroelectric dam, archive of terror. *American Anthropologist* 115 no. 1: 44-57.
- Forsyth, T. 2003. *Critical political ecology*. London and New York: Routledge.
- Foucault, M. 1990. *The history of sexuality. Volume 1: An introduction*. Hurley, R. trans. New York: Vintage Books.
- \_\_\_\_\_. 2003. *Society must be defended: Lectures at the Collège de France, 1975-79*. New York: Palgrave.
- \_\_\_\_\_. 2007. *Security, territory, population: Lectures at the Collège de France 1977-1978*. New York: Palgrave.
- Galeano, L. A. 2012. Paraguay and the expansion of Brazilian and Argentinian agribusiness

- frontiers. *Canadian Journal of Development Studies/Revue canadienne d'études du développement*, 33 no. 4: 458-470.
- Galemba, R. B. 2013. Illegality and invisibility at margins and borders. *PoLAR: Political and Legal Anthropology Review* 36 no. 2: 274-285.
- Galtung, J. 1969. Violence, peace, and peace research. *Journal of Peace Research* 6 no. 3: 167-191.
- Garavito, C. R. and Kauffman, C. 2015. De las órdenes a la practica: Análisis y estrategias para el cumplimiento de las decisiones de la sistema interamericana de derechos humanos. In *Desafíos del Sistema interamericano de derechos humanos: Nuevos tiempos, viejos retos*. Rojas, M. ed. p. 276-317. Bogotá: Colección De Justicia.
- Gardner, B. 2009. Are livestock a troublesome commodity? *Geoforum*, 40: 781-783.
- GAT. 2015. Sawhoyamaya: Amenazas con armas de fuego e innación fiscal y policial. Gente, Ambiente y Territorio. <http://gat.org.py/contenido/sawhoyamaya-amenazas-con-armas-de-fuego-e-inaccion-fiscal-y-policial-1144> [accessed January 10, 2017].
- Gelman, M. 2017. *Democratization and memories of violence: Ethnic minority rights movements in Mexico, Turkey, and El Salvador*. New York: Routledge.
- Gilbert, J. 2013. Land rights as human rights: The case for a specific right to land. *Sur* 10 no. 18: 115-135.
- . 2016. Indigenous Peoples' Land Rights Under International Law: From Victims to Actors. 2<sup>nd</sup> ed. Netherlands: Brill and Nijhoff.
- Glassman, J. 2006. Primitive accumulation, accumulation by dispossession, accumulation by 'extra-economic' means. *Progress in Human Geography* 30 no. 5: 608-625.
- Goldman, M., Nadasdy, P., and Truner, M. D. 2011. *Knowing nature: Conversations at the intersection of political ecology and science studies*. Chicago: University of Chicago Press.
- Gonzales, T. and González, M. 2015. Introduction: Indigenous peoples and autonomy in Latin America. *Latin American and Caribbean Ethnic Studies* 10 no. 1: 1-9.
- Goodale, M. 2007. Locating rights: Envisioning the law between the global and the local. In *The practice of human rights: Tracking law between the global and the local*. Goodale, M. and Merry, S. E. eds. p. 1-38. Cambridge: Cambridge University Press.
- Gordillo, G. 2011. Longing for elsewhere: Guaraní reterritorializations. *Comparative studies in Society and History* 53 no. 4: 855-881.

- Grubb, W. B. 1911. *An unknown people in an unknown land: An account of the life and customs of the Lengua Indians of the Paraguayan Chaco, with adventures and experiences met with during twenty years' pioneering and exploration amongst them.* ed. Jones, H. T. M. London: Seeley, Service & Co.
- \_\_\_\_\_. 1914. *A church in the wilds: The remarkable story of the establishment of the South American mission amongst the hitherto savage and intractable natives of the Paraguayan Chaco.* ed. Jones, H. T. M. London: Seeley, Service & Co.
- Guereña, A. and Villagra, L. R. 2016. Yvy jára: Los dueños de la tierra en Paraguay. Oxfam. <http://www.quepasaenparaguay.info/yvy-jara/> [accessed January 22, 2017].
- Gupta, A. 2013. *Red tape: Bureaucracy, structural violence, and poverty in India.* Durham: Duke University Press.
- Hale, C. R. 2005a. *Más que un indio (more than an indian): Racial ambivalence and neoliberal multiculturalism in Guatemala.* Santa Fe: School of American Research Press.
- \_\_\_\_\_. 2005b. Neoliberal multiculturalism: The remaking of cultural rights and racial dominance in Central America. *PoLAR: Political and Legal Anthropology Review* 28 no. 1:10-28.
- \_\_\_\_\_. 2008. Introduction. In *Engaging contradictions: Theory, politics, and methods of activist scholarship.* ed. Hale, C. R. pp. 1-30. Berkeley: University of California Press.
- \_\_\_\_\_. 2011. Resistencia para que? Territory, autonomy and neoliberal entanglements in the 'empty spaces' of Central America. *Economy and Society* 40 no. 2: 184-210.
- Hall, S. 1996. [ed. Grossberg, L. 1986]. On Postmodernism and Articulation: An Interview with Stuart Hall. *Journal of Communication Inquiry* 10 no. 2: 45-60.
- Hamacher, W. 2004. The right to have rights (Four-and-a-half remarks). *The South Atlantic Quarterly* 103 no. 2/3: 343-356.
- Hannah, M.G. 2002. *Governmentality and the mastery of territory in nineteenth-century America.* Cambridge: Cambridge University Press.
- Harvey, D. 2003. *The new imperialism.* Oxford: Oxford University Press.
- Harvey, P. and Knox, H. 2015. *Roads: An anthropology of infrastructure and expertise.* Ithaca: Cornell University Press.
- Jauck, J. D. 2014. La construcción del lenguaje en Paraguay: Fonologías, ortografías e ideología en un país multilígue. *Boletín de Filología*, 49 no. 2: 113-137.
- Hecht, S. 1985. Environment, development and politics: Capital accumulation and the livestock sector in Eastern Amazonia. *World Development* 13 no. 6: 663-684.

Hetherington, K. 2009. Privatizing the private in rural Paraguay: Precarious lots and the materiality of rights. *American Ethnologist* 36 vol. 2: 224-241.

\_\_\_\_\_. 2010. *Guerrilla auditors: The politics of transparency in neoliberal Paraguay*

\_\_\_\_\_. 2014. Waiting for the surveyor: Development promises and the temporality of infrastructure. *The Journal of Latin American and Caribbean Anthropology* 19 no. 2: 195-211.

Heyman, J. MsC. 2013. The study of illegality and legality: Which way forward? *PoLAR: Political and Legal Anthropology Review* 36 no. 2: 304-307.

Hoffmann, K. 2014. Ethnogovernmentality: The making of ethnic territories and subjects in the Eastern Congo. PhD diss, Roskilde University.

IACHR 2001. Case of Sumo Mayagna (Awas Tingi) v. Nicaragua 2000 Merits, Reparations, and Costs. Inter-American Commission on Human Rights. [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_79\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_79_ing.pdf) [accessed February 5, 2013].

\_\_\_\_\_. 2005. Case of the Yakye Axa Indigenous Community v. Paraguay: Judgment of June 17 2005 Merits, Reparations, and Costs. Inter-American Commission on Human Rights. [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_125\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_125_ing.pdf) [accessed February 5, 2013].

\_\_\_\_\_. 2006. Case of the Sawhoyamaxa Indigenous Community v. Paraguay Judgment of March 29 2006 Merits, Reparations, and Costs. Inter-American Commission on Human Rights. [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_146\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_146_ing.pdf) [accessed February 5, 2013].

\_\_\_\_\_. 2010. Case of the Xákmok Kásek Indigenous Community v. Paraguay. Judgment of August 24 2010 Merits, Reparations, and Costs. Inter-American Commission on Human Rights. [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_214\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_214_ing.pdf) [accessed February 5, 2013].

IJRC. n.d. Inter-American Human Rights System. *International Justice Resource Center*. [accessed October 9, 2016].

ILO. n.d. Mission and impact of the ILO. *International Labour Organization*. [accessed April 15, 2017].

\_\_\_\_\_. 2009. Application of Convention No. 169 by domestic and international courts in Latin America. International Labor Organization. [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/publication/wcms\\_123946.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_123946.pdf) [accessed May 1, 2017].

- Kalisch, H. 2011. Constelaciones históricas chaqueñas. *Acción Revista Paraguaya de Reflexión y Diálogo*, 314: 26-33.
- Kerr, J. G. Sir. 1950. *A naturalist in the Gran Chaco*. Cambridge: Cambridge University Press.
- Kidd, S.W. 1992. A case-study amongst the Enxet of the Paraguayan Chaco. MA diss., Durham University.
- \_\_\_\_\_. 1995. Land, politics and benevolent shamanism: The Enxet Indians in a democratic Paraguay. *Journal of Latin American Studies* 27 no. 1:43-75.
- \_\_\_\_\_. 1997. Paraguay: The working conditions of the Enxet indigenous people of the Chaco. In *Enslaved peoples in the 1990s: Indigenous peoples, debt bondage and human rights.*, 153-181. Anti-slavery International and International Working Group on Indigenous Affairs. Copenhagen.
- \_\_\_\_\_. 2000. Love and hate among the people without things: The social and economic relations of the Enxet people of Paraguay. Phd diss., University of St. Andrews.
- Kleinpenning, J. M. G. 1984. Rural Development and in Paraguay Since 1960. *Tijdschrift Voor Economische En Sociale Geografie* 75 no. 3: 164-176.
- \_\_\_\_\_. 2003. *Rural Paraguay 1870–1963: A Geography of Progress, Plunder and Poverty*. Madrid: Iboamericana/Vervuert.
- Lambert, P. 1996. *The regime of Alfredo Stroessner*. Westport: Greenwood Press.
- Leake, A. P. 1998. Subsistence and land-use amongst resettled indigenous people in the Paraguayan Chaco: A participatory approach. Phd diss., University of Hertfordshire.
- Li, T. M. 2000. Articulating indigenous identity in Indonesia: Resource politics and the tribal slot. *Comparative Studies in Society and History* 42 no. 1: 149-179.
- \_\_\_\_\_. 2007. *The will to improve: Governmentality, development, and the practice of politics*. Durham: Duke University Press.
- \_\_\_\_\_. 2010a. To make life or let die? Rural dispossession and the protection of surplus populations. *Antipode* 41 no.1: 66-93.
- \_\_\_\_\_. 2010b. Indigeneity, capitalism, and the management of dispossession. *Current Anthropology* 51 no. 3: 585-414.
- \_\_\_\_\_. 2015. After the land grab: Infrastructural violence and Indonesia's oil palm zone. *Conference proceedings: BRICS Initiatives for Critical Agrarian Studies (BICAS)*. [https://www.iss.nl/fileadmin/ASSETS/iss/Research\\_and\\_projects/Research\\_networks/LDPI/CMCP\\_D10-Li.pdf](https://www.iss.nl/fileadmin/ASSETS/iss/Research_and_projects/Research_networks/LDPI/CMCP_D10-Li.pdf) [accessed February 25, 2017]

- Lund, C. 2016. Rule and rupture: State formation through the production of property and citizenship. *Development and Change* 47 no. 6: 1199-1228.
- Mallon, F. 2005. *Courage tastes of blood: The Mapuche community of Nicolás Ailio and the Chilean State, 1906-2001*. Durham: Duke University Press.
- Marx, K. 1969. [1888]. Theses on Feuerbach. In *Marx/Engels selected works: Volume one*. trans. Lough, W. pp. 13-15. Moscow: Progress Publishers.  
<https://www.marxists.org/archive/marx/works/1845/theses/theses.htm> [accessed May 1 2017]
- . 1976. [1867.] *Capital Volume 1: A critique of political economy*. trans. Fowkes, B. New York: Penguin Classics.
- Medina, L.K. 2016. The production of indigenous land rights: Judicial decisions across national, regional, and global scales. *PoLAR: Political and Legal Anthropology Review* 39 no. 1:139-1513.
- Membe, A. 2004. Necropolitics. trans. Meintjes, L. *Public Culture* 15 no. 1: 11-40.
- Mendieta, M.M. 2015. *Defensoras y defensores de derechos humanos en el Chaco Paraguayo*. Asunción: Tierraviva.
- Mereles, M. F. and Rodas, O. 2014. Assessment of rates of deforestation classes in the Paraguayan Chaco (Great South American Chaco) with comments on the vulnerability of forest fragments on climate change. *Climatic Change*, 127: 55-71.
- Merlan, F. 2007. Indigeneity as relational identity: The construction of Australian land rights. In *Indigenous experience today*. de la Cadena, M. and Starn, O. eds. p. 125-150. Oxford: Berg Publishers.
- Mitchell, D. 1997. The annihilation of space by law: The roots and implications of anti-homeless laws in the United States. *Antipode*, doi: 10.1111/1467-8330.00048.
- Mitchell, T. 1999. State, economy and the state effect. In *State/Culture: State formation after the cultural turn*. ed. Steinmetz, G., 76-97. Ithaca: Cornell University Press.
- . 2002. *Rule of experts: Egypt, techno-politics, modernity*. Berkeley and Los Angeles: University of California Press.
- Moore, D. 2005. *Suffering for territory: Race, place, and power in Zimbabwe*. Durham: Duke University Press.
- Muehlmann, S. 2009. How do real indians fish? Neoliberal multiculturalism and contested indigeneities in the Colorado Delta. *American Anthropologist* 111 no. 4: 468-479.



- \_\_\_\_\_. 2013. *Where the river ends: Contested indigeneity in the Mexican Colorado Delta*. Durham: Duke University Press.
- Münzel, M. 1974. The Aché: Genocide continues in Paraguay. Copenhagen: IWGIA.
- Nagel, B. Y. 1999. "Unleashing the fury": The cultural discourse of rural violence and land rights in Paraguay. *Society for Comparative Study of Society and History*: 148-181.
- Niezen, R. 2003. *The origins of indigenism: Human rights and the politics of identity*. Berkeley: University of California Press.
- Offen, K. 2003. The territorial turn: Making of black territories in Pacific Colombia. *Journal of Latin American Geography* 2 no. 1: 43-73.
- Ogden, L. 2011. *Swamplife: People, gators, and mangroves entangled in the Everglades*. Minneapolis: University of Minnesota Press.
- Open Society. 2017. Strategic Litigation Impacts on Indigenous Land Rights. New York: Open Society Foundations.
- Palau, M., Wehrle, A., Díaz-Peña, E., Ortega, G., Franceschelli, I., Villalba-Digalo, J., Rojas-Villagra, L., Lovera, M., Pereira, M. Riquelme, Q., Fogel, R., González, S. and Benítez-Leite, S. 2015. *Con la soja al cuello*. Asunción: Base Investigaciones Sociales. ISBN: 978-99967-788-4-1.
- Pasqualucci, J.M. 2009. International indigenous land rights: A critique of the jurisprudence of the Inter-American Court of Human Rights in light of the United Nations Declaration on the Rights of Indigenous peoples. *Wisconsin International Law Journal* 27 no. 1: 51-98.
- \_\_\_\_\_. 2012. *The practice and procedure of the Inter-American Court of Human Rights. Second edition*. Cambridge: Cambridge University Press.
- Peluso, N. L. 1992. *Rich forests poor people: Resource control and resistance in Java*. Berkeley: University of California Press.
- Peet, R., Robbins, P., and Watts, M. J. 2011. Global nature. In *Global Political Ecology*. eds. Peet, R., Robbins, P., and Watts, M. J. pp. 1-48. New York: Routledge.
- Perreault, T. 2013. Dispossession by Accumulation? Mining, water and the nature of enclosure on the Bolivian Altiplano. *Antipode* 45 no. 5: 1050-1069.
- \_\_\_\_\_. 2015. Performing participation: Mining, power, and the limits of public consultation in Bolivia. *The Journal of Latin American and Caribbean Anthropology* 20 no. 3: 433-451.
- Polanyi, K. 1946. *The great transformation: The political and economic origins of our time*.

- Boston: Beacon Press.
- Post, L. A., Raile, A. W., and Raile, E. D. 2010. Defining political will. *Politics & Policy*, 38 no. 4: 653-676.
- Postero, N. 2007. *Now we are citizens: Indigenous politics in postmulticultural Bolivia*. Stanford: Stanford University Press.
- Postero, N. and Zamosc, L. 2006. Indigenous movements and the indian question in Latin America. In *The struggle for indigenous rights in Latin America*. eds. Poster, N. and Zamosc, L., 1-31.
- Povinelli, E. 2002. *The cunning of recognition: Indigenous alterities and the making of Australian multiculturalism*. Durham: Duke University Press.
- Powell, D. R. 2007. "...y entonces llegó un inglés...": *Historia de la iglesia Anglicana en el Chaco paraguayo (volume conmemorativo de los cien años del templo de Makxawáya)*. Asunción: Servilibro.
- Quiroga, L. and Ayala, O. 2015. *Violencia e impunidad hacia el pueblo Pai Tavyterã-Kaiowa: Aproximación a la situación de violaciones de derechos humanos en la frontera paraguayo-braileña*. Asunción: AGR Servicios Gráficos.
- Ramos, A. *Indigenism: Ethnic politics in Brazil*. Madison: University of Wisconsin Press.
- Reed, R. and Renshaw, J. 2012. The Aché Guaraní: Thirty years after Maybury-Lewis and Howe's report on genocide in Paraguay. *Tipiti: Journal of the Society for Anthropology of Lowland South America* 10 no. 1: 1-18.
- Renshaw, J. 1998. Property, resources and equality among the indians of the Paraguayan Chaco. *Man* 23 no. 2: 334-352.
- \_\_\_\_\_. 2002. *The Indians of the Paraguayan Chaco: Identity and economy*. Omaha: University of Nebraska Press.
- Ribot, J. and Peluso, N. L. 2003. A theory of access. *Rural Sociology* 68 no. 2: 153-181.
- Richard, N. 2008. *Mala Guerra. Los indígenas en la Guerra Del Chaco, 1932-1935*. Asunción: Servilibro.
- \_\_\_\_\_. 2008b. Los banqueanos de Belaieff. La mediación indígena en la entrada military al Alto Paraguay. In *Los indígenas en la Guerra Del Chaco, 1932-1935*. e.d. Richard, N. pp. 291-333. Asunción: Servilibro.
- \_\_\_\_\_. 2015. 2015. Nombre propio, trabajo y reproducción social en el Chaco boreal contemporáneo. In *Capitalismo en las Selvas: Enclaves industriales en el Chaco y Amazonía indígenas (1850-1950)*. eds. Córdoba, L., Bossert, F., and Richard, N., 183-

204. San Pedro de Atacama: Desierto.

- Robbins, P. 2006. Research is theft: Environmental inquiry in a postcolonial world. In *Approaches to human geography*. ed. Aitken, S. and Valentine, G. pp. 311-324. Thousand Oakes: Sage.
- . 2015. The trickster science. In *The Routledge Handbook of Political Ecology*. eds. Perreault, T. Bridge, G. and McCarthy, J., 89-101. London: Routledge.
- Robertson, S. 2015. Natives making space: The *softwood lumber* dispute and legal geographies of indigenous property rights. *Geoforum*, 61: 138-147.
- Rodgers, D. and O'Neill, B. 2012. Infrastructural violence: Introduction to the special issue. *Ethnography* 13 no. 4: 401-412.
- Roldán, R. O. 2004. Models for recognizing indigenous land rights in Latin America. The World Bank Environmental Department, Biodiversity Series.  
<http://documents.worldbank.org/curated/en/608941468743178264/Models-for-recognizing-indigenous-land-rights-in-Latin-America>. [accessed August 15, 2016].
- Rose-Redwood, R. 2012. With numbers in place: Security, territory, and the production of calculable space. *Annals of the Association of American Geographers* 102 no. 2: 295-319.
- Rubin, J. 1985. The special relationship of Guaraní and Spanish in Paraguay. In *Language of inequality*. eds. Wolfson, N. and Manes, J. pp. 111-122. Berlin: Mouton.
- Sawyer, S. 2004. *Crude chronicles: Indigenous politics, multinational oil, and neoliberalism in Ecuador*. Durham: Duke University Press.
- Scott, J. C. 1998. *Seeing like a state: How certain schemes to improve the human condition have failed*. New Have: Yale University Press.
- SEN 2016. Comunidades indígenas de Presidente Hayes recibieron ayuda humanitaria. May 25, 2016. *Secretaría de Emergencia Nacional*. <http://www.sen.gov.py/articulo/1118-comunidades-indigenas-de-presidente-hayes-recibieron-ayuda-humanitaria-.html#.WUjG0MaZOV4>. [accessed April 15, 2017].
- . 2017. SEN distribuye más de 3.400 kilos de alimentos a familias de la comunidad indígena Xakmok Kasek. March 10, 2017. *Secretaría de Emergencia Nacional*. <http://www.sen.gov.py/articulo/1582-sen-distribuye-mas-de-3400-kilos-de-alimentos-a-familias-de-la-comunidad-indigena-xakmok-kasek.html#.WUjGGcaZOV4> [accessed April 15, 2017].
- Servín, J. 2017. Neocolonización en el Paraguay: El alquiler de las tierras indígenas (Parte 1). *Acción: Revista de Reflexión y diálogo de los Jesuitas del Paraguay* 3 no. 372: 6-12.

- Setrini, G. 2010. Twenty years of Paraguayan electoral democracy: From monopolistic to pluralistic clientelism. Working Paper Number Three. Asunción: Centro de Análisis y Difusión de la Economía Paraguaya. [http://209.177.156.169/libreria\\_cm/archivos/pdf\\_1014.pdf](http://209.177.156.169/libreria_cm/archivos/pdf_1014.pdf) [accessed December 10, 2016].
- Shrestha, N. 1995. Becoming a development category. In *Power of development*. ed. Crush, J., 266-277. London: Routledge.
- Sieder, R. 2002. *Multiculturalism in Latin America: Indigenous rights, diversity and democracy*. New York: Palgrave MacMillan.
- SIMORE. N.d. Sistema de monitoreo de recomendaciones en derechos humanos. Ministerio de Relaciones Exteriores y Ministerio de Justicia. <http://www.mre.gov.py/mdhpy/Buscador> [accessed June 5, 2017].
- Simpson, A. 2014. *Mohawk interruptus: Political life across the borders of settler states*. Durham: Duke University Press.
- Sletto, B. 2009. 'Indigenous people don't have boundaries': Reborderings, fire management, and productions of authenticities in indigenous landscapes. *Cultural Geographies*, 16: 253-277.
- Sparke, M. 2005. *In the Space of Theory: Postfoundational Geographies of the Nation-State*, Minneapolis: University of Minnesota Press.
- Spivak, G. 1988. Can the subaltern speak? In *Marxism and the interpretation of culture*. eds. Nelson, C. and Lawrence, G., 271-313. Urbana: University of Illinois.
- Springer, S. 2011. Violence sits in places?: Cultural practice, neoliberal rationalism, and virulent imaginative geographies. *Political Geography*, 30: 90-98.
- Stocks, A. 2005. Too much for too few: Problems of indigenous land rights in Latin America. *Annual Review of Anthropology*, 34: 85-104.
- Thomas, K. and Galembe, R. B. 2013. Illegal anthropology: An introduction. *PoLAR: Political and Legal Anthropology Review* 36 no. 2: 211-214.
- Thomassen, B. 2009. The uses and meanings of liminality. *International Political Anthropology* 2 no. 1: 5-27.
- Tierraviva. 1998. Los Enxet: Crónica de un genocidio y saqueo de tierras en el Chaco. Asunción.
- \_\_\_\_\_. 2014. Sawhoyamaya: Historia de la lucha de una comunidad. Tierraviva. <http://www.tierraviva.org.py/wp-content/uploads/2015/05/Revista-Tierraviva-web.pdf> [accessed December 12, 2015].

- \_\_\_\_\_. 2015. Ganaderos atacan comunidad Sawhoyamaya. *Tierraviva de los pueblos indígenas del Chaco*. <http://www.tierraviva.org.py/?galeria=ganaderos-atacan-comunidad-sawhoyamaya>. [accessed August 25, 2016]
- Treadway, D. C., Horschwarter, W. A., Kacmar, C. J., Ferris, G. R. 2005. Political will, political skill, and political behavior. *Journal of Organizational Behavior*, 26 no. 3: 229-245.
- Tsing, A. L. 1999. Becoming a tribal elder and other green development fantasies. In *Transforming the Indonesian uplands: Marginality, power and production*. ed. Li, T.M., 159-202. Amsterdam: Harwood Academic Publishers.
- \_\_\_\_\_. 2003. Agrarian allegory and global futures. In *Nature in the global south: Environmental projects in south and southeast Asia*. Greenough, P. and Tsing, A. L. p. 124-169. Durham: Duke University Press.
- \_\_\_\_\_. 2015. *The mushroom at the end of the world: On the possibility of life in capitalist ruins*. Princeton: Princeton University Press.
- Turner, V. 1977. Variations on a theme of liminality. In *Secular Ritual*. eds. Moore, S. F. and Myerhoff, B. G. pp. 36-52. Amsterdam: Van Gorcum.
- \_\_\_\_\_. 1979. Flow and reflection: Ritual and drama as public liminality. *Japanese Journal of Religious Studies* 6 no. 4: 465-499.
- UN. 2006. Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, Mr. Rodolfo Stavenhagen: Human rights and indigenous issues. United Nations Human Rights Council. [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjV9JmuucfSAhUE92MKHQKSCSkQFggcMAA&url=http%3A%2F%2Fwww2.ohchr.org%2Fenglish%2Fbodies%2Fchr%2Fsessions%2F62%2Flistdocs.htm&usq=AFQjCNH1\\_wrU4tluO8GU0JtoTe2G4N\\_i5w](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjV9JmuucfSAhUE92MKHQKSCSkQFggcMAA&url=http%3A%2F%2Fwww2.ohchr.org%2Fenglish%2Fbodies%2Fchr%2Fsessions%2F62%2Flistdocs.htm&usq=AFQjCNH1_wrU4tluO8GU0JtoTe2G4N_i5w). [accessed August 15, 2016]
- \_\_\_\_\_. 2015. Report of the Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz: The situation of indigenous peoples in Paraguay. United Nations Human Rights Council. <http://unsr.vtaulicorpuz.org/site/images/docs/country/2015-paraguay-a-hrc-30-41-add-1-en.pdf>. [accessed August 15, 2016]
- Unruh, E. and Kalisch, H. 2008. Salvación—¿rendición? Los enlhet y la Guerra del Chaco. In *Mala Guerra. Los indígenas en la Guerra Del Chaco, 1932-1935*. ed. Richard, N., 99-124. Asunción: Servilibro.
- Vandergeest, P. and Peluso, N.L. 1995. Territorialization and state power in Thailand. *Theory and Society*, 24: 385-426.
- Vázquez, F. 2010. *Geografía humana del Chaco paraguayo: Transformaciones territoriales y desarrollo regional*. Asunción: Ediciones ADEPO.

- Velásquez-Runk, J. 2012. Indigenous land and environmental conflicts in Panama: Neoliberal multiculturalism, changing legislation, and human rights. *Journal of Latin American Geography* 11 no. 2: 21-47.
- Villagra-Carrón, R. 2010. *The Two Shamans and the Owner of the Cattle: Alterity, Storytelling and Shamanism Amongst the Angaité of the Paraguayan Chaco*. Asunción: Centro de Estudios Antropológicos de la Universidad Católica.
- \_\_\_\_\_. 2015. Meike makha valayo: *No habían paraguayos*. Asunción: Centro de Estudios Antropológicos de la Universidad Católica.
- Villagra-Carrón, R. and Bonifacio, V. 2015. Los maskoy de Puerto Casado y los Angaité de Puerto Pinasco. Un recuento de los tiempos del tanino. In *Capitalismo en las Selvas: Enclaves industriales en el Chaco y Amazonía indígenas (1850-1950)*. eds. Córdoba, L., Bossert, F., and Richard, N., 233-270. San Pedro de Atacama: Desierto.
- Wainwright, J. 2008. *Decolonizing development: Colonial power and the Maya*. Malden: Blackwell Publishing.
- Wainwright, J. and Barnes, T. 2009. Nature, economy, and the space - place distinction. *Environment and Planning D: Society and Space*, 28: 966-986.
- Wainwright, J. and Bryan, J. 2009. Cartography, territory, property: Postcolonial reflections on indigenous counter-mapping in Nicaragua and Belize. *Cultural Geographies*, 16: 153-178.
- Walker, P. A. 2005. Political ecology: Where is the ecology? *Progress in Human Geography*, 29 no. 1: 73-82.
- Watts, M. J. 1983. *Silent Violence: Food, famine, and peasantry in northern Nigeria*. Athens: University of Georgia Press.
- \_\_\_\_\_. 2003. Development and governmentality. *Singapore Journal of Tropical Geography*, 24 no. 1: 6-34.
- Wolford, W. 2010. *This land is ours now: Social mobilization and the meanings of land in Brazil*. Durham: Duke University Press.
- Yeh, E. T. 2007. Tibetan indigeneity: Translations, resemblances, and uptake. In *Indigenous Experience Today*. De la Cadena, M. and Starn, O. eds. p. 69-98. Oxford: Berg Publishers.
- \_\_\_\_\_. 2013. *Taming Tibet: Landscape transformation and the gift of Chinese development*. Ithaca: Cornell University Press.

Yeh, E. T. and Bryan, J. 2015. Indigeneity. In *The Routledge Handbook of Political Ecology*. eds. Perreault, T. Bridge, G. and McCarthy, J., 531-544. London: Routledge.