

Yvykytĩ - cutting the earth: indian land rights strategies in eastern Paraguay

Hans Rudolf Wicker

1. Paĩ-Tavyterã, Avá-Guaraní and Mbyá

Those Guaraní of eastern Paraguay who managed to escape extermination and racial mixing during the period from the 16th to the 18th century by retreating to remote areas were indiscriminately called *indios* or *avá*.¹ The *avá* were generally ignored unless they infringed – or were presumed to have infringed – on creole property in which case retaliatory expeditions would be undertaken against them. A more detailed picture of the Guaraní who had survived the impact of colonization emerged only gradually, first through the report of the Swiss physician and naturalist Johann Rudolf Rengger, who visited a group of Guaraní around 1820 (Rengger 1835: 101-134), later through the studies of the Ticinese emigrant Moisés Bertoni (1922, 1956), then through the publications of the missionary Franz Müller (1934/35) and, finally, through the extensive scientific research of León Cadogan (1959, 1962, 1971), the self-taught founder of Paraguayan social anthropology. Guaraní survivors include the Paĩ-Tavyterã (some 8'000 people), the Avá-Guaraní or Chiripá (5 000) and the Mbyá (7 000).² They inhabit an area stretching from the borderlands of southern Mato Grosso across the whole of eastern Paraguay down to the province of Misiones in Argentina (map 1).

Besides their language which shows traces of dialect, the three ethnic groups have other characteristics in common. They live in autonomous or semi-autonomous communities of 8 to 50 families, each with their own political leadership; they have bilateral kinship structures; they use mythologies converging on a common origin; and they practice an economy typical of their kind of society, combining slash and burn agriculture, hunting, gathering and fishing. All three groups have abandoned the traditional long house, adopting instead the *rancho* type house of the Paraguayan peasantry. Only some religious Paĩ leaders from the Cerro Guasu and Aquidaban regions still live in long houses.³

However, these common traits cannot obscure the differences between the three ethnic groups. These differences need to be understood as the result of different reactions to colonial domination which, over the years, have hardened into distinct patterns of social and political action with their attendant cultural symbolism. These contrasts are best illuminated by a narrative recorded by León Cadogan (1962: 46) and known among all three groups. According to this legend there lived, in the

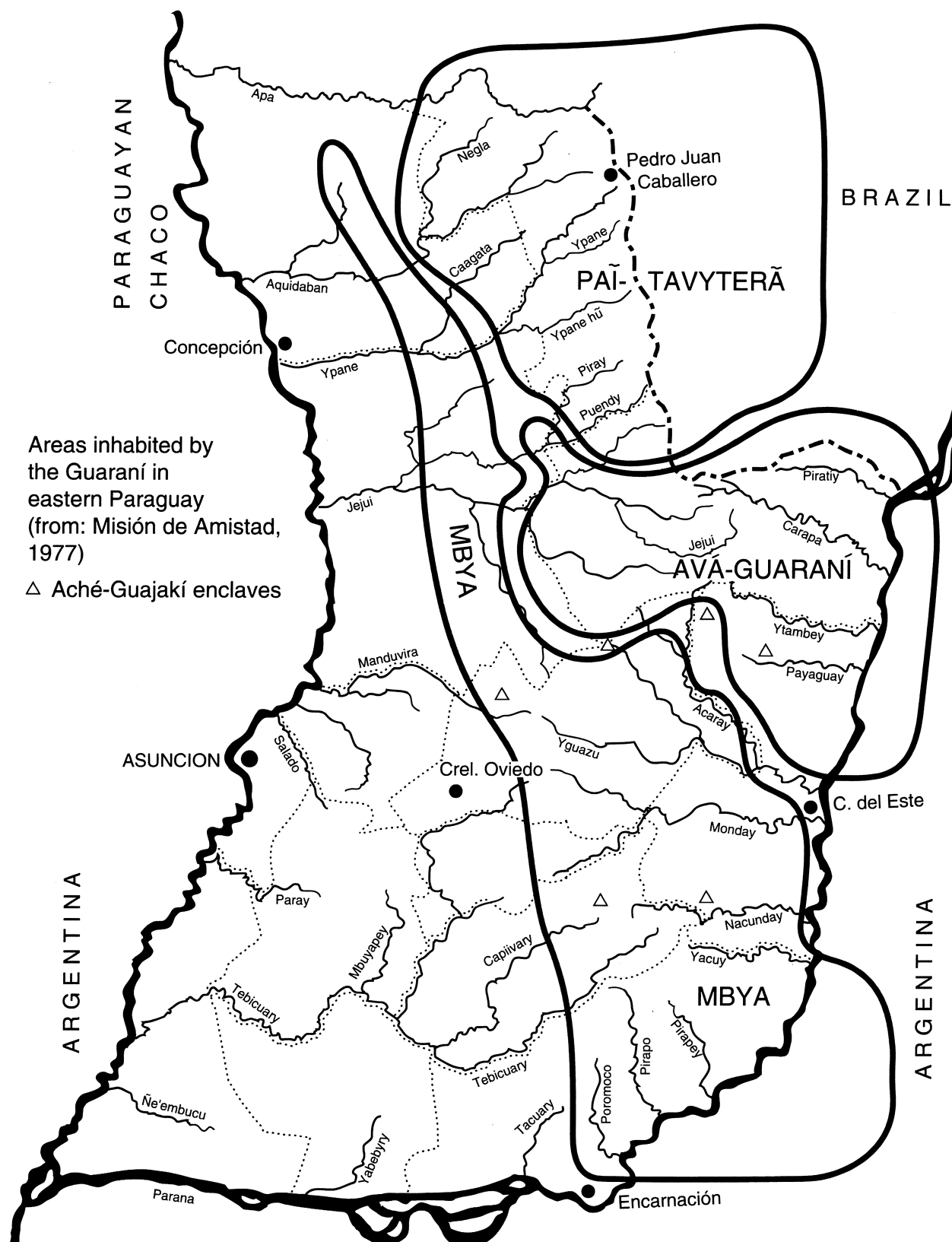
early days of colonization, two caciques named Paragua and Guaira. Paragua made a deal with the Spanish offering them women in return.⁴ Guaira, however, refused contact with the foreigners and, accompanied by his people, withdrew to the most remote areas to escape persecution. Later, Paragua, too, moved away from the Spanish and returned to the woods with his subjects leaving behind those Indian women who had already given birth to children with mixed blood. Now Mbyá and Avá-Guaraní tell this story differently. To the Mbyá, Paragua is a traitor, but for the Avá-Guaraní he is an early cacique and culture hero from whom they claim to be descended. It may well be that this narrative expresses – at least in its general tendency – a correct assessment of the actual historical attitudes of the two groups towards the Spanish invaders who, with their "policy of fire and sword", established the *encomienda* and, therefore, attempted the final subjugation of the various Guaraní groups. Presumably, the groups known by the term Mbyá today were among those who did not surrender. Further-

¹ *Avá* means "human being"; in colloquial Paraguayan, however, the word carries the racist connotation "dirty Indian". For more detailed information about the colonization of eastern Paraguay see, among others, Schmidel 1962, Azara 1847, Necker 1979, Meliá 1986, Susnik 1979/80, Wicker 1982.

² For the sake of completeness the Aché-Guajakí need to be mentioned here, an ethnic group of hunters and gatherers who lived mainly in the Mbaracajú mountains in the department Canindejú (Münzel 1978, Clastres 1972, Meliá et al. 1973). Until the late sixties the Aché suffered outright persecution and were virtually exterminated. In the early eighties, the last free living group of Aché surrendered to civilisation at the mission station *Mboi Jagua*. Since the Aché are not strictly speaking Guaraní they will receive no further mention here.

³ For reasons of space I cannot give a detailed account of the data concerning religion, social structure and economic activities of the three Guaraní groups. Instead, I refer the reader to the available literature: Cadogan 1959, 1962, 1971, Meliá et al. 1976, Meliá 1987: pp.34-55, Wicker 1982, 1987.

⁴ The historical accuracy of this statement is corroborated by the report of Ulrich Schmidel who, in 1538, took part in the conquest of Lambaré (present site of Asunción) and who says of the Cario, later called Guaraní: "They brought 6 women to our Captain Eyollas as well of which the oldest was 18. They also presented him with 6 deer and other game. Asked us to stay with them and presented each soldier with two women to wash us and take care of us in other matters. They also gave us food and whatever else we needed for our nourishment. Thus peace was made between us and them." (Schmidel 1962: 26).



more, we have to assume that they strictly refused all missionary efforts and stayed away from the Jesuit reductions. Even today, an attitude of defense and refusal is typical of Mbyá behaviour. One aspect of this attitude is their secrecy and seclusion in matters of religion,⁵ another their pronounced territorial mobility which we can readily identify as a strategy of retreat designed to avoid the grip of the national society and which is best expressed in the fact that the Mbyá – living in scattered and relatively small nuclei – inhabit an immense territory. Thirdly, such pronounced dispersal requires strong caciques to preserve the political units. This is the now famous political system known as *caciquismo*, only in the case of the Mbyá it hinges not on territories but on semi-nomadic groups of families which it ties into one coherent political unit.

Avá-Guaraní behaviour is a fundamentally different. They seek outside contact, they tolerate missionaries, schools, and even police stations within their communities, and they are prepared to adopt new agricultural techniques from the peasants. The difference between Mbyá and Avá-Guaraní in their attitude towards the national society is striking. In the light of such contemporary evidence it seems possible that the central proposition in the myth of Paragua and Guaira is (historically) correct: that the

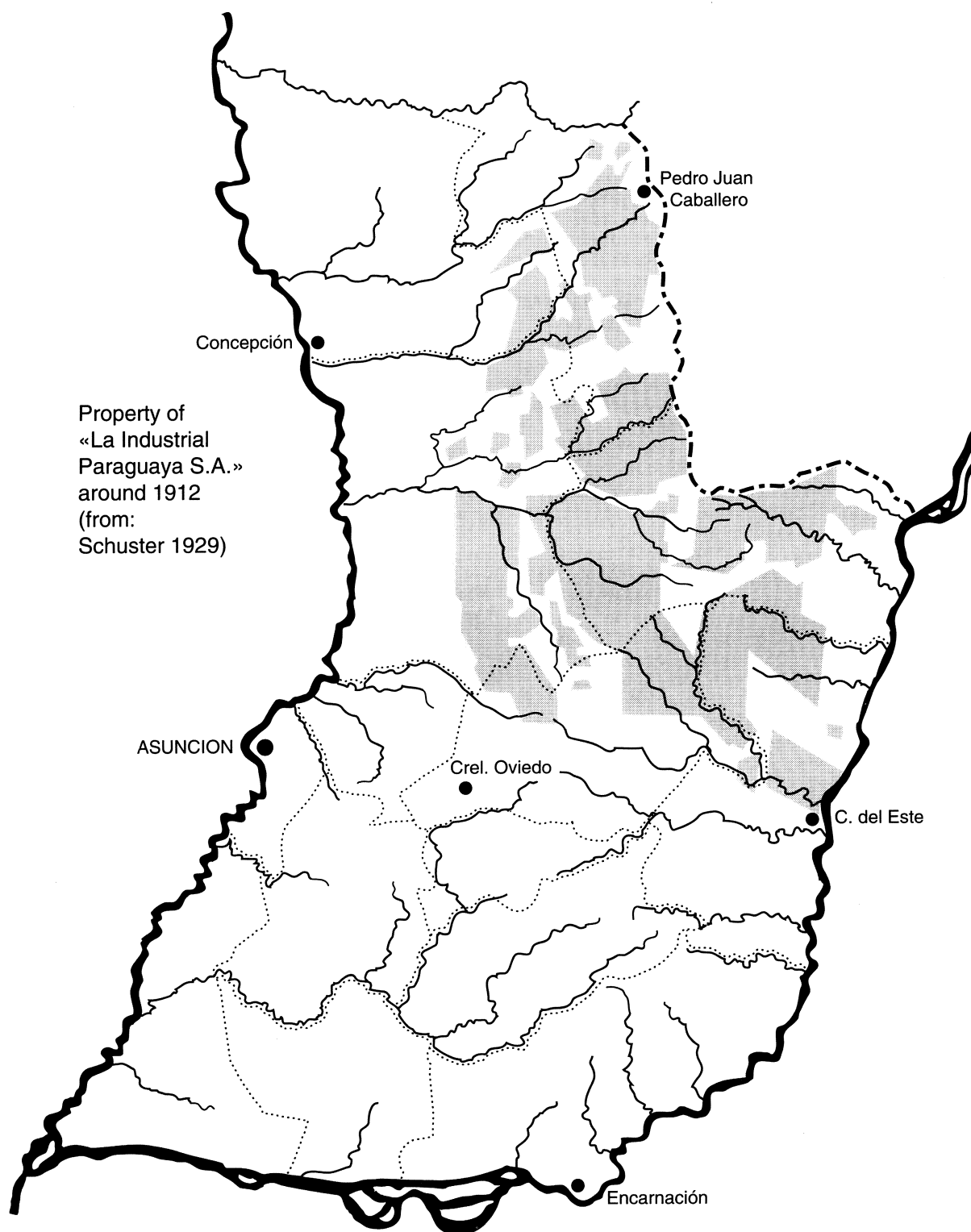
Avá-Guaraní – unlike the Mbyá – were partly colonized and influenced by the mission and later – maybe after the dissolution of Jesuit reductions – retreated to the forest and «re-guaranized».

The Paĩ-Tavyterā, who also know the myth of Paragua and Guaira but regard it with indifference, were spared colonial integration attempts for a considerable period of time. Only towards the middle of the 18th century – shortly before their expulsion – did the Jesuits attempt to establish reductions in Paĩ territory, but these were shortlived and had no lasting influence (Meliá et al. 1976: 158-159). This very distance from colonial events may explain why the Paĩ – in their cultural attitudes and in their thinking – are relatively relaxed in their relations with Paraguayan society and are capable of cultivating outside contacts without fear of losing their ethnic identity. Even without an overtly defensive attitude towards the non-Indian population the Paĩ have managed to keep non-Indian institutions away from their communities.

⁵ Only after many years of intensive contact did the Mbyá agree to introduce Cadogan to their religious songs whose existence the scientist had never even suspected (Cadogan 1959: 10).



Paĩ-Tavyterā drinking chicha. © H. R. Wicker



Map 2

2. The land law of 1883 and the emergence of latifundia

The young republic of Paraguay emerged from the devastating war of 1865-1870 burdened by an enormous state debt. The measures initiated to reduce the debt radically altered the very foundations of life for both creole peasants and indigenous groups who until then had survived in relative isolation on the fringes of society. The politics of the first Paraguayan presidents, notably those of José Rodríguez de Francia (1814-1840), clearly favored state control and state ownership of the land. As late as 1870, 98.5 percent of all land was state property. Only in the areas surrounding Asunción did legal land owners even exist. The law of October 2nd, 1883, suddenly and abruptly changed all this because the executive was now authorized to sell fiscal land on a grand scale. Individual sales were to be no less than one legua (approx. 1'875 hectares). This precipitated a rush of speculative capital from abroad seeking investment in huge latifundia. During this period there emerged the giant estates that were to mark the face of rural Paraguay for many years to come. Casado del Alisal, for instance, a native of Spain based in Argentina, acquired - with English capital - no less than 3,000 leguas in the Paraguayan Chaco (5,625,000 hectares or 23 percent of the entire Chaco, s. Equipo Nacional de Misiones 1986: 15-22) - an area which at the time was inhabited almost exclusively by Indians. In 1886, "La Industrial Paraguaya S.A.", an Anglo-Argentine syndicate - counting among its members the then President of Paraguay, Bernardino Caballero - bought 855,000 hectares of *yerbatales* (forests for mate exploitation) and 2,647,727 hectares of range land in eastern Paraguay (Pastore 1972: 245; map 2). In its heyday, "La Industrial" owned fully 17 percent of eastern Paraguay. This was mostly land inhabited by Paĩ-Tavyterá and Avá-Guaraní. Domingo Barthe, a native of France, acquired 1,875,000 hectares of land in Alto Paraná in the territory of the Avá-Guaraní and the Mbyá. The vast estates emerging during this period initially had little influence on the life of the Indians since their exploitation was extensive. The forests inhabited by the Guaraní were used to gain mate and timber. To some extent, the latifundia presumably even protected the - unwittingly «dispossessed» - Guaraní communities inhabiting them because the administrative and political powers of the estate owners - so impressively described by the Swiss author Adolf Schuster (1926: 486-488) in his hymn to «La Industrial» - at first prevented the intrusion of peasants looking for land. In fact, a considerable number of Indians at the time actively participated in the production of mate thereby acquiring their own highly prized iron tools. This protective function, fragile to begin with, crumbled after World War II when the demand for economic efficiency and increased productivity exerted mounting pressure on the estates.

Two related developments after 1950 increasingly jeopardized the existence of the Indian communities. On one hand, unproductive latifundia which failed to meet new economic demands gradually fell apart, giving way to medium size estates as the dominant feature of rural Paraguay. While most

large estates of over 100,000 hectares disappeared, properties ranging from one to ten thousand hectares became more and more frequent. At the same time a new type of landowner appeared. The old caudillo and the great land baron residing in some faraway metropolis had outlived their usefulness. They were replaced by modern agrarian industrialists who employed capital-intensive agrarian technologies to produce soybeans, coffee or wheat for the world market or else raised cattle - entrepreneurs, in other words, who used their land efficiently. It was at this time of accelerated change that the Guaraní began to feel the full impact of their expropriation. Gentle displacements and brutal evictions became more frequent. At the same time, however, the Indians were in great demand as cheap day laborers (*changadores*) in clearing and fence building operations, so the phase of social marginalisation for them was also one of integration into the market economy.

During this period of property restructuring the state also began to encourage the migration of landless farmers from the densely populated southern provinces to the subtropical northern and eastern forests. This Paraguayan colonization - sometimes spontaneous, sometimes planned - was paralleled by the immigration of thousands of poor Brazilian farmers who mostly settled in the Paraguayan borderlands. Even at the beginning of the seventies 15 percent of settlers in the department Amambay were Brazilians. In the department Alto Paraná they accounted for 10 and in the department Canindeyú for 43 percent of the settler population (Nickson 1979: 22). Opening up the forests of eastern Paraguay also meant building roads, founding villages and establishing an infrastructure suitable for a market economy including banks and a network of trading facilities.

Between 1950 and 1970 living conditions for the Guaraní deteriorated rapidly. At this point, none of their communities had legal rights to the land. Through the *changa* (day labor) the Indians were gradually but inexorably proletarianized. As a result there appeared all the typical elements of underdevelopment that accompany market oriented integration processes of this kind: villages lost their autonomy and started to disintegrate, many political and religious leaders suffered a loss of authority, alcohol became prevalent, families fell apart, work in the fields was reduced or stopped - in such insecure times, how could they be sure they would be able to harvest what they had planted? -, malnutrition and epidemics spread quickly and the child mortality rate rose to 50 percent. At this pace, it seems likely that just a few more decades would have been enough to thoroughly proletarianize or even physically exterminate all remaining Guaraní.

3. The phase of securing land rights

During the past decades, innumerable delegations of Paĩ, Avá-Guaraní and Mbyá chiefs have knocked on the doors of ministries in Asunción to explain the precarious situation of the Indians and to voice their hope that the government would secure their land and protect them from encroaching



Pa'i women on the way. © H. R. Wicker

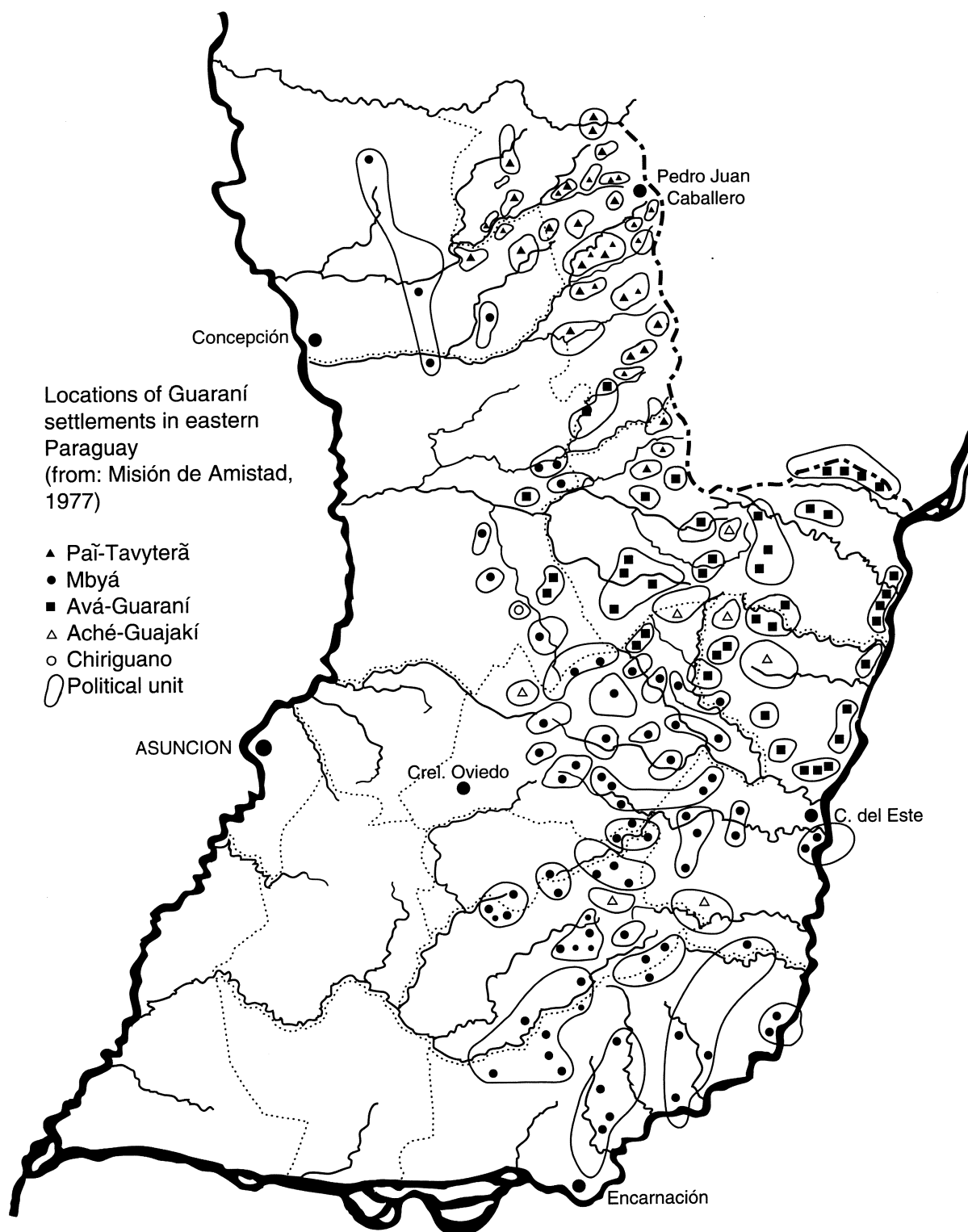
strangers. In 1954, the land between the two rivers Ypaneguazu and Ypanemí in the department Amambay was surveyed at the initiative of the later defense minister Marcial Samaniego in order to establish an Indian reservation. In the sixties, isolated attempts were made by missionaries and the "Departamento de Asuntos Indígenas (DAI)" – the government agency for Indian affairs within the defense ministry – to secure land for several groups of Avá-Guaraní. Neither initiative was successful: The idea of a reservation proved unacceptable to the Guaraní because the government stipulated that all the groups living outside the surveyed area – in the case of the Pa'i-Tavyterá 90 percent of the population – would have to move into the reservation. The missionaries' initiatives failed because their main objective in all cases was to secure land for the mission first. The DAI, finally, was condemned to inactivity because it had neither funds nor power to do anything about land problems.

The turning point for the Guaraní came in 1973, when Austrian social anthropologist Georg Grünberg initiated a project among the Pa'i-Tavyterá, which – in the interest and at the request of the Indians concerned – focussed on the land question and, with the support of Paraguayan institutions, produced a legally sound concept that could be applied to the Indian communities. The search for a legal provision on which the project could be based

revealed that the land reform laws passed in the early sixties under pressure from the United States actually contained just the instruments needed to secure Indian lands. The "estatuto agrario" from 1963 states that private lands may be expropriated for the purpose of establishing Indian colonies⁶ and that "settlers" may claim as their own (someone else's) land if they have been cultivating it for at least twenty years. In fact, the most important section of the law concerning the "colonización de hecho"⁷ seemed tailored to the needs of the Guaraní communities who – using fallow land, stocks of fruit trees and other elements as evidence – would have no trouble proving their longstanding presence as

⁶ Ley N° 854, Art. 146: «Declárase de utilidad social, sujetas a expropiaciones las tierras del dominio privado siguientes: inc. d) las que están ocupadas pacíficamente y de buena fé por suficiente número de pobladores y sean necesarias para la solución de un problema de carácter social.» inc. e) «... las fracciones destinadas para parque nacionales y para colonias indígenas.»

⁷ Ley N° 622, Art. 1°: «Las poblaciones estables asentadas en tierras de propiedades privadas, sean dichas poblaciones rurales o urbanas, siempre que tengan 20 años o mas desde su fundación y que no se hayan originado en razón de las actividades de los propietarios ni respondiendo a planes de éstos, se conocerán como colonizaciones o urbanizaciones de hecho.»

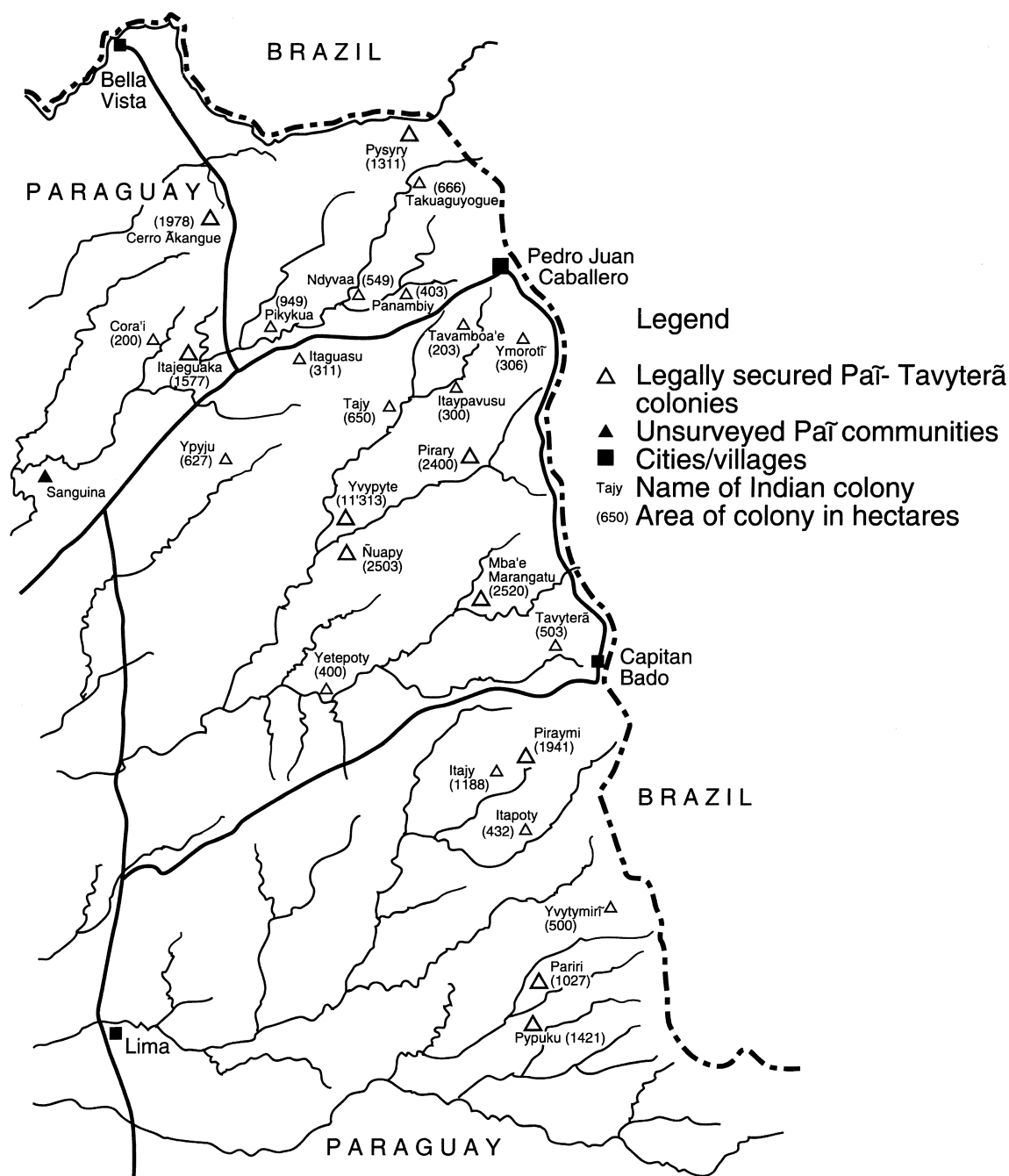


Map 3

settlers, thus initiating the necessary procedures to secure Indian lands. In a first step, the "Proyecto Paĩ-Tavyterã" compiled a survey establishing the location and number of Paĩ settlements and gathered the necessary demographic data (Meliá et al. 1976: 192-202; map 3) because until that time nobody had any idea of the distribution of indigenous groups in eastern Paraguay. Also, a record of property owners had to be compiled. In a second step (1973-1975), the team received permission from IBR (Instituto de Bienestar Rural - Ministry of Land Affairs) to survey land for all those Paĩ communities still living on fiscal land. The size of the area surveyed depended on the number of families present. To each nuclear family the law allotted 20 hectares, while in

actual fact an average 30 hectares were surveyed. Based on these plans, the government later passed the necessary decrees in which the surveyed areas were declared "Colonias Nacionales Indígenas (CNI)".

There remained those Paĩ communities who were living on private property and therefore required special treatment. In a further step between 1975 and 1981 – the years when the author of this report directed the "Proyecto Paĩ-Tavyterã" – negotiations with private land owners were held on behalf of each group and, if necessary, court proceedings at first instance were initiated to help Indians claim their rights as stated in the laws quoted above. These land trials were very complex and took place in a highly charged political atmo-



Map 4

sphere. Also, they were an ordeal for those involved and the communities had to be prepared for them if they were to hold out to the end. Once the landowners realized they would have to part with some of their property, they or their administrators often reacted first with covert, then with open violence against the Indian families involved. At this stage, it was imperative that the Paĩ communities were under no circumstances driven off the land because private property, once vacated, could not be defended further not in court, nor on the actual terrain (with some exceptions, s. Wicker 1992). Obviously, this fact had not escaped the landowners.

Despite the complexity of the situation and despite frequent setbacks, the situation of the Paĩ-Tavyterã was radically improved during this period. With the exception of one community which to this day lives on the property of a Brazilian land baron, all other communities have had their land surveyed, resulting in 30 "Colonias Nacionales Indígenas" of varying sizes (map 4). The smallest colony comprises only 73 hectares, against 11,313 hectares for the largest⁸. The average size is 1,800 hectares. Some 95 percent of the Paĩ-Tavyterã live on secured land today.

In accordance with the "Proyecto Paĩ-Tavyterã" the "Proyecto Guaraní" was begun in 1977, using the same strategies and methods to secure land rights for the two remaining Guaraní groups. Again, the first task was to locate the Indian settlements (Misión de Amistad 1977; map 3). In the case of the Ava-Guaraní surveying progressed quickly at first since many of the communities still lived on state owned land. Predictably, the court proceedings against large estate owners proved more difficult. Today, some 80 percent of the approximately 5,000 Avá-Guaraní live on secured land. With the Mbyá the whole process was considerably harder. For one thing, many Mbyá lived in the most densely populated and most highly developed departments (Caaguazu, Alto Paraná, Caazapa, Guairá and Itapúa). With no more fiscal lands left in those parts the Mbyá live almost exclusively on private property – land whose value has skyrocketed in the past

decades. That land rights cases become extremely difficult under such conditions comes as no surprise, for the more valuable the property, the more vehemently landowners will defend it against Indian claims. The mobility of the Mbyá, mentioned in the introduction, further adds to the difficulties of solving land problems. Ethnic resistance based on a strategy of "retreat" leads to a mode of existence not unlike that of hunters and gatherers in many respects (Bremen 1991). Such mobility, however, considerably dims the Mbyá prospects for a satisfactory land settlement, because the agrarian legislation of the state – in Paraguay as elsewhere – is based on the concept of permanently settled farmers as expressed in the law governing the "ocupación de hecho". Mbyá families are often absent for weeks or months at a time to hunt, fish, gather honey or to work as day laborers for a *patron*. This makes it easy for landowners to dispute the Indians' status as permanent residents, or worse, to present them as intruders. These various factors explain why, despite intense efforts, only some 20 percent of the 7,000 Mbyá have legally secured land at present.

Today, some sixty Indian colonies exist in eastern Paraguay covering a total of almost 100,000 hectares. Compared to the extensive territories at the disposal of the Guaraní even as late as the end of the last century this seems a trifle. But compared to the situation around 1970 the position of the Paĩ-Tavyterã and of the Avá-Guaraní has been radically improved, while for the Mbyá the question of land rights has not been satisfactorily resolved.

⁸ Map 4 shows the situation in 1988. Meanwhile there have been some positive changes thanks to the efforts of SPSAJ (s.below) which have not yet been recorded here. Some colonies were enlarged through the incorporation of neighboring properties (Pirity, Itajekuaka and Tavambo'e) and two smaller colonies which are not on the map were even newly founded. To this day, however, the community named Sanguina on map 4 has no land of its own.



Paĩ-Tavyterã ritual house. © H. R. Wicker

4. The Indian statute of 1982 and its application

For the ethnic minorities of Paraguay, the broad-based struggle for land rights has opened up new ways of survival and social reintegration. The methods employed by the two projects "Paĩ-Tavyterā" and "Guaraní" with the aid of the organisations supporting them⁹ were later taken up by other organisations and applied with varying success. Still, the new "Colonias Nacionales Indígenas" left some open questions. They did accommodate Indian conceptions of the land to the point that surveyed areas were not cut up into parcels as is customary in peasant colonies. In the individual parcelling out of the land the Guaraní perceived a threat to their communal life—notably to their traditional leadership structures – and consequently they insisted that all land remain communal property which they would use according to their own criteria. Even the *yvykytĩ* ("cutting of the land"), the limiting of territories through surveying is seen by the Guaraní as part of the "being of whites" (*mbairy teko*¹⁰) which they refuse, because people should not "cut", let alone individualize, things created by the gods and not by *yvy póra* (inhabitants of the earth). From the Guaraní point of view, their willingness to accept the concept of colonies with fixed borders is already a concession to the national society.

The communal use of land raised difficulties with respect to the legal transfer of land titles. Estates surveyed on state land formally remained in possession of the state. But land which had been wrested from large private estates – and therefore already had titles that merely needed to be transferred – could not be transferred to the names of the Indian communities because these were not considered legal entities according to the law. In the end, the titles were transferred to the "Asociación Indigenista del Paraguay", acting as proxy for the communities, on condition that this institution surrender the titles to the communities for free as soon as the latter were legally able to receive them.¹¹ Unsatisfactory as it was – because the possibility of land losses at a later date could not be precluded – this state of affairs could not be remedied with the existing laws. The possibility of attaining legal personality status through the formation of cooperatives was also investigated, but Paraguayan cooperative laws proved inapplicable to the social and political situation of Indian communities. This left only the drafting of a new law specifically adapted to the situation of Indians.

In the late seventies the "Asociación Indigenista del Paraguay", with the help of social anthropologists and lawyers, drafted a "Proyecto de Ley" which was passed by parliament in 1981 as "Ley N° 904; Estatuto de las Comunidades Indígenas". This law stipulates that the state recognizes the existence of Indian communities as such and recognizes their status as legal entities.¹² It further recognizes the Indian communities' right to own the lands they traditionally inhabit, whether these be private or state property (Art. 14°-27°). Finally, the law also specifies the procedure for the acquisition of land titles.

With "Ley 904" a basis had been created for two important steps: one, lands which had already been surveyed and secured could now be definitely trans-

ferred into Indian hands without changing the existing social and leadership structures; and two, groups still living on private land could now be furnished with the necessary legal instruments to claim these lands. At first the new Indian statute had no visible effect because the state failed to become active on its own to implement the law. The Guaraní themselves, almost one hundred percent illiterate, were in no position to appreciate the new legal situation, let alone use it for the benefit of their communities. It was not until the "Servicios Profesionales Socio-Antropológicos y Jurídicos (SPSAJ)", a project founded in 1984, became actively involved in the land rights issue that things started moving.¹³ The first communities to actually go the full length towards the transfer of land titles were the two Avá Guaraní colonies "Fortuna" and "Itanaramí". These steps had to be taken:

⁹ Both projects were supported by two national organisations, the "Asociación Indigenista del Paraguay" and the "Misión de Amistad". The "Asociación", a purely philanthropic organisation headed by General César Ramón Bejarano at the time of the great land rights struggles, guaranteed access to the ministries and provided the people working on the project with the indispensable political protection. The "Misión", a social institution of the church, tended to be more concerned with international relations and questions of method. During the last great period of repression in 1975/76 its offices were occupied by the police. Eight staff members, including a member of the "Proyecto Paĩ-Tavyterā", were arrested and kept in custody as "political" for a fairly long period of time. This may serve as an indication of the difficult working conditions under Strössner.

¹⁰ *Teko* is a term which defines "modes of being". The Paĩ-Tavyterā, for example, distinguish between the "good being" (*teko porā*) and the "bad being" (*teko vai*), both of which are inferior to the «religious being» (*teko marangatu*). The highest form of being is manifested in the *teko katu* (the "real being") which for all practical purposes can only be attained in the Beyond. *Tekoha* (the "place of being") signifies the community within which the different modes of being are lived. *Tekoha ruvíxa* is the guardian of the community, i.e. its religious leader. The meaning of the term *mbairy*, the expression used by the Paĩ-Tavyterā for white people, remained hidden to me until I finally understood that it was a contraction. *Mbairy* stands for *mba'e vai jary*, the "owners of evil". The Mbyá term for white people, *juruá* (*juru* means mouth and the suffix *a* stands for shadow) means "shadow mouths" or mustache wearers.

¹¹ The same principle of proxy was later applied by other institutions who were also involved in securing Indian lands. Thus, Indian land ended up in the possession of the "Asociación de Parcialidades Indígenas" (a national Indian council funded with US-money) and the "Instituto Nacional del Indígena" (the state Indian protection agency, which in 1981 took over from the "Departamento de Asuntos Indígenas"). Some church and missionary institutions gained possession of Indian "títulos" in this manner as well.

¹² Art. 7° El estado reconoce la existencia legal de las comunidades indígenas, y les otorgará personería jurídica conforme a las disposiciones de esta Ley. Art. 8° Se reconocerá la personería jurídica de las comunidades indígenas preexistentes a la promulgación de esta Ley y a las constituidas por familias indígenas que se reagrupen en comunidades para acogerse a los beneficios acordados por ella.

¹³ This project was largely the work of Balbino Vargas, a self-taught Paraguayan, who, from 1972 to 1982, had been active in the "Asociación Indigenista del Paraguay" and who must be regarded as the preeminent specialist in matters of Indian land rights. Without his efforts in the struggle for Indian lands the situation of Paraguayan Indians would be entirely different today. There exists virtually no Indian colony whose file was not processed and finally resolved by him.

- a) Discussion of law 904 among colony members and taking a census;
- b) Confirmation of Indian leadership by the community in the presence of a justice of the peace and certification of these leaders by decree from the "Instituto Nacional del Indígena".
- c) Recognition of legal personality by ministerial decision;
- d) Transfer of land title.

In 1985, the two groups mentioned above were the first to receive their "títulos". Once the path leading to the implementation of the law had been tried, other land titles followed in quick succession. By 1988, practically all lands of the Avá-Guaraní had been registered in the "Registro General de la Propiedad" and also some titles of the Mbyá. In 1988 SPSAJ began working among the Paĩ-Tavyterá in the north. Of the 30 Paĩ colonies more than 20 have had their titles transferred at present, and the remaining titles should be recorded in the name of Paĩ communities by 1994.¹⁴ Still, there remains the considerable task of securing land rights for those Mbyá groups living on unsurveyed territory as yet – a land rights struggle which may take a long time and whose outcome is anything but assured.

5. Subsistence versus market: on the question of CNI's internal organisation

The quiet expropriation of the Guaraní around the turn of the century created a situation which by the 1980s, at the latest, would have resulted in the irreversible proletarianization of the three ethnic groups. The success of the land rights struggle has stopped this

development for the time being; past land losses are at least partly recovered; the pressure of large land owners which was increasingly threatening Indian communities is weaker; and the exploitative dependence of Indians on their *patrones* is reduced. Life in the colonies, however, is not tantamount to a resumption of aboriginal forms of existence. Advanced market dependency everywhere precludes such a reversal. Today, the Indians live in the vicinity of Paraguayan and Brazilian peasants and a variety of agrarian entrepreneurs and ranchers. Towns and villages are growing within reach of their communities enabling Indians to sell agricultural products and buy consumer goods. The attempts of the Guaraní to redefine and restructure communal life in the new "Colonias Nacionales Indígenas" must be seen against the background of both their own tradition and historical experience and the confrontation with their new market oriented environment. Ethnic thinking and ethnic strategies inform the processes of adaptation which I will briefly outline below.

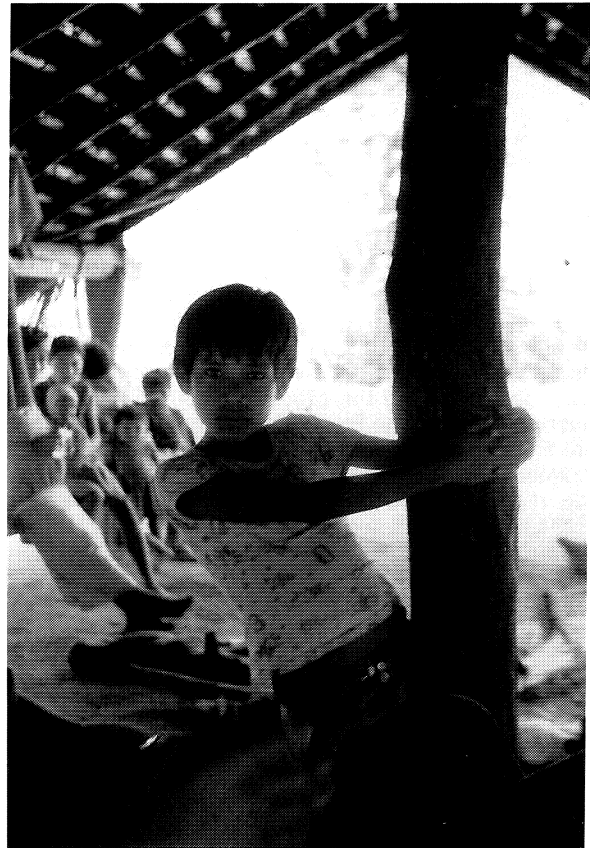
¹⁴ The transfer of land titles is too complicated to be explained here, partly because many colonies are still facing a number of previously hidden problems which need to be solved before a title transfer can be effected. In some cases the size of the area surveyed exceeded the limit set by the surveying permit (example "Tajy"), and adjustments – in favor of the Indians – were necessary. In other cases the area could be extended (example "Tavamboae"), and still other groups had no survey at all or at best a super provisional and legally questionable one so that the whole procedure had to be started over. SPSAJ is still entangled in many land conflicts of this sort.



Acleared field with manioc and corn. © H. R. Wicker

Between the Avá-Guaraní and the Mbyá living on secured land the same differences in ethnic strategies – presumably formed during the 17th and 18th centuries as defensive mechanisms of adaptation to colonial realities and later consolidated as social, political and cognitive patterns of behavior – are becoming apparent once again, only now defined in terms of their new situation. While continuing their pragmatic approach to the national society the Avá-Guaraní are making less than full use of their opportunities in the search for ways within their own ethnic logic. In many communities religious leaders (*oporaiva*¹⁵) still exist, engaged in an ethnic discourse based on their religion. However, their socio-political influence has diminished in recent decades in favor of the political leadership. Political leaders of the Avá-Guaraní nowadays often advocate a modernist policy of adaptation enabling non-Indian institutions (merchants, schools, missionaries, police, etc.) to establish a presence in the colonies and encouraging proselytizing movements within the communities. On the economic level the same discrepancy is illustrated by the fact that in most colonies the Avá-Guaraní – forced to reduce the amount of day labor performed outside the colony – primarily used their newly acquired land security to gain access to regional agrarian markets as producers of cash crops, following the example of the strongly market-oriented peasant. Cotton, soybeans, fejaó and peppers are frequently planted. These products require the use of pesticides and even sometimes – as in the case of soybeans – of farm machinery. In any case, their cultivation depends on agricultural loans. For many Avá-Guaraní families the hope for profits turns to debt and frustration over market mechanisms as they neglect their subsistence oriented economy, and hold unrealistic expectations with respect to market opportunities. In spite of such mistakes, however, and despite frustrated hopes concerning quick economic success in the marketplace, the Avá-Guaraní communities make it very clear that they have taken possession of their newly secured lands, and that they are willing to cultivate and utilize them.

The situation of the Mbyá is different. Of all three groups they found it most difficult, in the mid seventies, to accept the offer of having their land secured because the word "colony" alone seemed to bring back bad memories – presumably of Jesuit reductions – from times gone by. At the time, many caciques of the Mbyá viewed the creation of colonies as yet another attempt by whites to colonize them once and for all. Above all, they suspected that, once the survey was done and they would no longer be able to retreat, the institutions which threaten them the most: mission, school, police and military, would move in. Only after observing the development of Paĩ colonies and finding their suspicions unconfirmed did they agree to have their lands surveyed. As it turned out after the first colony was established, the Mbyá barely changed their way of life. While they do live on the secured lands they have nonetheless retained their strategy of "retreat". Similarly, the regional leadership which integrates the different groups and has produced strong caciques in the past, but which also prevents



Mbyá boy. © H. R. Wicker

a community oriented leadership of the type commonly found among the Avá-Guaraní and the Paĩ-Tavyterã, has not been challenged. Within the colonies the result of these ethnic patterns is the virtual absence of impulses towards cultivation whereas the *changa* with all its negative effects remains significant. Along with the defensive strategy of "retreat", the fact that the Mbyá have never effectively taken possession of the surveyed land by means of permanent settlements and adequate utilization exposes their colonies to easy encroachment. In recent years we have witnessed a number of clandestine settlements of Mbyá colonies by landless peasants who justify their intrusion on the pretext that the Mbyá are not utilizing the land anyway.

A third way, evidently different from that of the Avá-Guaraní and the Mbyá but fully in keeping with historical patterns, has been chosen by the Paĩ-Tavyterã. Unlike the other two ethnic groups, they fully identify with the newly created colonies, take possession of the land, settle the surveyed territories, watch over their borders and even actively defend them against intruders. On the economic

¹⁵ For a discussion of the religious and political leadership structures of Avá-Guaraní, Mbyá and Paĩ-Tavyterã, see Meliá et al. 1976: 217-223, Wicker 1982: 126-138.

level two conspicuous changes mark the passage from land insecurity to land security in practically all communities; the rapid decline of day labor for outside *patrones* and the reconstruction of subsistence economy within the colonies. After the end of the land rights struggle most communities needed no more than one agrarian cycle to solve – through slash and burn reclamation of land and through crop diversification – the problem of malnutrition and to produce a diet that, while still lacking in quality, was sufficient in quantity to feed everyone.¹⁶ To compensate for smaller hunting returns caused by the clearing of forests, pigs and chickens are kept. At the beginning of the eighties some colonies even started keeping cows. Cerro Akángue, the best integrated and best developed colony of the Paĩ-Tavyterã, has a total of 120 cows today. Most of the thirty Paĩ communities have made attempts to move away from pure subsistence farming and to produce at least partly for the market (Wicker 1987). Most of these efforts only lasted a few years due to the appearance of difficulties which typically afflict small farmers lacking in resources, such as purchase and handling of hybrid seed and pesticides, lack of knowledge and lack of storage facilities for harvested products, and marketing problems. After some early frustrating experiences on the agricultural market the following strategy emerged: traditional subsistence economy continues to be the basis of all economic activity, possibly supplemented only by crops such as dry rice which grow without chemical aids and whose seed can be domestically produced, and no products are sold on the market except those surpluses of subsistence production which cannot be consumed locally

Economically the Paĩ are following, quite successfully, what in their situation is a healthy, conservative, subsistence oriented direction while avoiding the risk of too rapid a market integration. By contrast, the socio-political restructuring of their communities is causing them considerable difficulties. Political (*mburuvixa*) and religious leaders (*tekoha ruvixa*) of the Paĩ who kept a high profile during the time of the land struggles and lead the discourse of resistance were having difficulties adapting to the new circumstances once the colonies were established. Not infrequently such leaders considered themselves the true owners of the secured lands and, in particular, of the natural resources. Some sold rare wood¹⁷ while others tried to establish patron-client relationships within the communities. The introduction of such elements of *mbairi reko* often led to internal conflicts which sooner or later resulted in a change of *mburuvixa*. The deposed older caciques were often succeeded by younger men who vowed to strive for the social consolidation of the community rather than pursue individual enrichment. Despite setbacks and mistakes the conjunction of several important elements – actively taking possession of the colonies, economic stability on a subsistence basis, restructuring of political leadership, reactivation of ritual life – understood as parts of a well grounded ethnic strategy seems to be a good foundation for the future development of the Paĩ-Tavyterã.



Land survey for à Mbyá colony. © H. R. Wicker

6. Closing remarks

By all indications, times will go from bad to worse for indigenous minorities in Paraguay and other countries of the South American lowland, regardless of the degree of democracy achieved in the various nation states. In Paraguay the phase of Indian land rights struggles is drawing to a close. The reasons for this are the modernisation and capitalist penetration of Paraguay's rural regions, causing an artificial scarcity of land and rising land

¹⁶ The most visible effect of an improved diet is a lower child mortality rate and a decrease in the number of disease-related deaths which – triggered by tuberculosis, whooping cough and diphtheria – had been exceedingly high in the early sixties (Grünberg 1989: 8-11).

¹⁷ At the end of the seventies the forests of the Paĩ colonies still represented the largest forest reserves in Amambay province and their rare wood stands must have had considerable capital value. Lokal timber merchants tried to pressure chiefs into selling them such wood by suggesting that «now that the Paĩ owned the land they could do as they pleased». Many chiefs could not resist the temptations of cash. Between 1977 and 1992 well over 100,000 m³ of timber worth several million dollars may have been cut in Paĩ colonies and transported directly to Brazil. Of course the Paĩ only received ridiculously small amounts of money. Being illiterate they could not measure the amount of timber cut nor check the final accounts.



Attempt of alphabetization amongst the Paï-Tavyterã. © H. R. Wicker

prices. Rising property prices increase the economic, social and political pressure on poor farmers and Indian minorities who will find it more and more difficult to gain access to fertile farm land. The absurdity and scurrility of the changing relationship between economic development and the politics of the state with regard to Indian minorities is highlighted by the fact that the progressive Law N° 904 which for the first time ever granted land rights to Indians and which originated during Strössner's military dictatorship, that this law today, only a few years after the introduction of democracy, has become almost impossible to enforce due to the growth of bureaucracy and rising land prices to the point where politicians are openly discussing its abolition.¹⁸ Not the struggle for new land rights, therefore, will be the main concern of the Guaraní in coming years but simply the defense of their hard won rights and properties.

But even those groups of Guaraní who are living on secured land, i.e. practically all Paï-Tavyterã, a large majority of Avá-Guaraní and roughly one fifth of Mbyá, will hardly be able, in the long run, to live a quiet life in seclusion. For one thing, the constant change in the areas surrounding the colonies will have its effect on the Indian communities in various respects. Far from being able to ignore them, the Guaraní will have to confront these influences. There are also the developments in the colonies

themselves, most conspicuously a population growth barely below the national average of 3.4 per cent today. More intensive exploitation of the land in the slash and burn tradition and by new means of cultivation – as in cattle breeding – will entail a continual loss of forest reserves. Sooner or later the communities will have to discuss forest conservation measures and sustainable forms of soil exploitation. This, in turn, will call for modifications of the agrarian economy including, almost inevitably, a closer integration in the market economy. Stronger interactions of the Guaraní with institutions of the national society, lest they develop to the disadvantage of this ethnic group, will require formal education. None of the Paï or Mbyá colonies have a literacy program or even a school today, although not only the Paï – who initially showed only mild hostility towards literacy campaigns – but even a considerable percentage of the Mbyá who used to radically reject anything to do with the written word – nowa-

¹⁸ It is against this background that recent land occupations by peasants must be analysed because they are not only directed against large private estates but against the colonies of the Mbyá as well. In conflicts between landlords and peasants the institutions of the state often side with the property owners, while in conflicts between peasants and Indians they do not intervene, giving free rein to the occupants, instead.

days desire such programs and even send some of their children to the schools of their peasant neighbors.¹⁹ In terms of formal schooling the Avá-Guaraní are more advanced for reasons mentioned above.

The transition from dispossessed, exploited and socially marginalized *avá* who had no choice but to elevate their ethnic separateness to the rank of an ideology of survival, to Guaraní communities owning common lands who need to recreate not only their social life and domestic leadership but also their relations to the national society on various levels, and who therefore need to reformulate their ethnic thinking, is long and arduous. The factors at work, both inside and outside, are too complex to warrant conclusive predictions with regard to the development of these three ethnic groups in eastern Paraguay. The only thing we can say with certainty, today, is that the land rights struggles of the past twenty years have created for the Guaraní a new set of conditions within the Paraguayan nation state; mistakes will be made, and setbacks suffered, but the Guaraní will use their chance.

References Cited

- Azara F. de (1847): *Descripción é Historia del Paraguay y del Río de la Plata*. 2 Bde, Madrid
- Bertoni M. (1922): *La civilización Guaraní*, Parte I; Puerto Bertoni, Alto Paraná
- Bertoni M. (1956): *La civilización Guaraní*. Parte II; Buenos Aires
- Bremen V. von (1991): Zwischen Anpassung und Aneignung. Zur Problematik von Wildbeuter-Gesellschaften im modernen Weltsystem am Beispiel der Ayoréode. *Münchener Amerikanistik Beiträge* 26, München
- Cadogan L. (1959): *Ayvu Rapyta; Textos míticos de los Mbyá-Guaraní del Guairá*. Universidade de São Paulo, Boletim N° 227/ Antropología N° 5; São Paulo
- Cadogan L. (1962): Aporte a la Etnografía de los Guaraní del Amambai, Alto Ypané. *Revista de Antropología* 10, São Paulo
- Cadogan L. (1971): *Ywyra Ñe'ery; fluye del árbol la palabra*. Centro de Estudios Antropológicos de la Universidad Católica. Asunción
- Clastres P. (1972): *Chronique des indiens Guayaki*. Paris
- Equipo Nacional de Misiones (1986): *La Lucha por la Tierra en Defensa de la Vida*. El Pueblo Mascoy frente a Carlos Casado S.A. Conferencia Episcopal Paraguaya. Asunción
- Ezran M. 1989: *Une colonisation douce: Les missions du Paraguay*. Paris
- Grünberg G. 1982: *Praktische Ethnologie und rurale Entwicklung in Paraguay. Die Projekte «Paĩ-Tavyterã» und «Guaraní»*. In: *Indianer in Lateinamerika*. Neues Bewusstsein und Strategien der Befreiung. Peter Hamer Verlag, Wuppertal / Gelnhausen
- Grünberg W. (1989): *Der Prozess der Paĩ-Tavyterã von 1972-1988*. Evaluierungsstudie. Institut für Internationale Zusammenarbeit, Wien
- Meliá B. (1986): *El Guaraní Conquistado y Reducido*. Asunción
- Meliá B. (1987): *O Guaraní. Uma bibliografia etnológica*. Santo Angelo
- Meliá B., Miraglia L., Münzel Ch. & M. (1973): *La agonía de los Aché-Guayakí*. Historia y Cantos. Asunción
- Meliá B., Grünberg G., Grünberg W. (1976): *Los Paĩ-Tavyterã*. Centro de Estudios Antropológicos de la Universidad Católica. Asunción
- Misión de Amistad y Asociación Indigenista del Paraguay (1977): *Población y Tierras Indígenas en la Región Oriental de la República del Paraguay*. Asunción
- Müller F. (1934/35): *Beiträge zur Ethnographie der Guaraní-Indianer im östlichen Waldgebiet von Paraguay*. *Anthropos* 29/30. Wien
- Münzel M. (1978): *Die indianische Verweigerung. Lateinamerikas Ureinwohner zwischen Ausrottung und Selbstbestimmung*. Reinbek
- Necker L. 1979: *Indiens Guaraní et Chamanes Franciscains. Les premières réductions du Paraguay (1580-1800)*
- Nickson A. R. (1979): *Brazilian Colonization of the Eastern Border Region of Paraguay*. Centre of Latin American Studies, University of Caracas
- Pastore C. (1972): *La Lucha por la Tierra en el Paraguay*. Montevideo.
- Rengger J.R. (1835): *Reise nach Paraguay in den Jahren 1818 bis 1826*. Aarau
- Schmidel U. (1962): *Wahrhaftige Historien einer wunderbaren Schifffart*. Graz
- Schuster A. 1929: *Paraguay. Land, Volk, Geschichte, Wirtschaftsleben und Kolonisation*. Stuttgart
- Susnik B. (1979/80): *Los aborígenes del Paraguay*, II. *Etnohistoria de los Guaraníes*. Epoca Colonial. Asunción
- Wicker H.-R. (1982): *Mbyá, Paĩ-Tavyterã und Chiripá in Ostparaguay*. *Jahrbuch des Bernischen Historischen Museums* 61/62: 99-208
- Wicker H.-R. (1988): *Subsistenzorientierte Entwicklung am Beispiel der Paĩ-Tavyterã in Ostparaguay*. *Ethnologica Helvetica* 12: 157-184
- Wicker H.-R. (1992): *Tekoha - der «Ort des Seins» oder die Rekonstruktion einer indianischen Gemeinschaft im Nordosten Paraguays* In: G. Baer, S. Hammacher, A. Seiler-Baldinger (Hrsg.): *Die Neue Welt 1492-1992. Indianer zwischen Unterdrückung und Widerstand*. Basel

Résumé

Yvyktyĩ - «Couper la Terre»: Stratégies pour assurer la propriété des terres aux Indiens de l'est du Paraguay

Les Paĩ-Tavyterã (8000 personnes), les Mbyá (7000 personnes) et les Avá-Guaraní ou Chiripás (5000 personnes) sont les trois ethnies guaraní de l'est du Paraguay qui ont survécu à la colonisation. Chacun de ces trois groupes a développé sa propre stratégie en réaction aux tentatives d'assujettissement et d'évangélisation (réductions jésuites). Les Avá-Guaraní ont opté pour une politique de «rapprochement» (évangélisation partielle et «re-guaranisation»). Les Mbyá, au contraire, se sont refermés sur eux-mêmes et, sur le plan cognitif et social, ils ont choisi une stratégie du «repli». Quant aux Paĩ-Tavyterã, ils sont restés en dehors du processus de colonisation, ce qui leur permet aujourd'hui un comportement plus flexible dans leurs rapports avec l'Etat National du Paraguay.

Vers la fin du 19^e siècle, d'immenses propriétés latifundiaires furent créées dans l'est du Paraguay, ce qui a mené à une expropriation à froid, mais néanmoins radicale, de ces trois ethnies. Mais ce

¹⁹ In 1977 the "Project Paĩ-Tavyterã" started a literacy campaign in Guaraní among the Paĩ whose objective it was to train literacy multipliers from ten colonies in a six month course. The program got off to a successful start and the newly trained Indian literacy teachers, once back in their respective communities, started teaching children and adults. Lack of accompaniment and support finally brought the initiative to a halt in the eighties, so that the program must be considered a failure. (Grünberg 1989: 11-16).

n'est que lorsque ces grands domaines ont été démantelés pour laisser place à des exploitations agricoles de taille moyenne que les conséquences de cette politique sont apparues. Jusqu'au début des années 70, les Guaraní ne possédaient pas les terres où ils vivaient et de nombreuses communautés étaient menacées d'expulsion.

En 1973, le «Proyecto Paĩ-Tavyterā» a lancé un programme visant à assurer la propriété terrienne aux «Paĩ-Tavyterā»; en 1977, le «Proyecto Guaraní» a mis en place un programme semblable auprès des Avá-Guaraní et des Mbyá. C'est ainsi que se sont formées, dans l'est du Paraguay, plus de 50 «Colonias Nacionales Indígenas». De nos jours, 95 pour-

cent des Paĩ-Tavyterā, 80 pourcent des Avá-Guaraní et 20 pourcent des Mbyá vivent sur des terres dûment arpentées dont ils sont les propriétaires légitimes.

La loi 904 («Estatuto de las Comunidades Indígenas»), promulguée en 1981, reconnaît les communautés indiennes comme personnes morales, ce qui a rendu possible de rédiger des titres de propriété foncière au nom des communautés. Une grande partie des «Colonias» possède aujourd'hui de tels «títulos», et elles sont ainsi propriétaires des terres qu'elles exploitent collectivement. Ces mesures ont permis de mettre un frein au paternalisme dont l'état fait preuve vis-à-vis des minorités indiennes.