

Not-Quite-Neoliberal Multiculturalism

Mario's stories about Kelyenmagategma underscore the co-joined forces of Indigenous labor appropriation, land dispossession, and state recalcitrance that Enxet and Sanapaná struggles work to unsettle. His memories at Puerto Colón are one layer in a sedimented history of environmental violence that is not buried in the past but evident in the present.¹ The violence is both spectacular and mundane, though common to Indigenous land struggles across the country.² It is a violence conditioned by long histories of land enclosure, the political economy of agrarian production, and their relation to contemporary politics of recognition. That Kelyenmagategma community members have waited years for a state surveyor to officiate the boundary is a persistent form of neglect that defines state-Indigenous relations. Neglect reproduces social hierarchies wrought during generations of racial capitalism that expose the durable logics of settler colonial dispossession and control over access to resources. On Enxet and Sanapaná territories, such hierarchies were established through long-standing patrón-peon relations and reiterated through forms of political patronage that continually concentrated wealth and power among landed elites. Instead of rectifying past wrongs or even merely setting the stage for a more equitable future, the politics of recognition is tacitly used to ensure Indigenous dispossession by ensnaring Indigenous peoples in bureaucratic processes that produce new forms of violence.

Building from a history of settler colonization on Enxet and Sanapaná territories charted in chapter 1, here I pivot to tell a story about the politics of multicultural recognition in Paraguay by examining entwined labor and land rights struggles. I use the term “multiculturalism” to discuss state-led initiatives consisting of specific laws and policies intended to govern Indigenous and Afro-descendant populations through rights based on the recognition of ethnic or cultural difference from the non-Indigenous settler society.³ My trip to Kelyenmagategma occurred well after the community's struggle for legal recognition and land restitution had commenced. I chose to begin with that episode because it highlights a common

thread that weaves through the disparate struggles that this book grapples with: recognition comes without guarantees. Despite a legal framework that guarantees specific rights for Indigenous peoples, state recognition, and favorable rulings from the IACHR that bolster Indigenous rights, the Kelyenmagategma, Yakye Axa, Sawhoyamaxa, and Xákmok Kásek communities have struggled for decades to ensure those rights in practice. Whereas recognition promised to bring resolution to generations of struggle, it has created spaces and situations that exacerbate environmental violence against Enxet and Sanapaná peoples. This is a violence that values the lives of animals raised for slaughter that roam on Enxet and Sanapaná territories more than the peoples removed from those territories to whom the Paraguayan constitution and complementary multicultural policy guarantee rights. While the chapter grapples with the emergence of rights-based claims, it also challenges framing such dynamics as inherently neoliberal.

Given the particular confluence of Latin America's multicultural turn, the broad rollout of neoliberal reforms across the region, and the limited political opening that conjuncture created for Indigenous and Afro-descendant peoples, scholars such as Charles Hale have advanced "neoliberal multiculturalism" as a central analytical framework to evaluate contemporary Indigenous-state relations in Latin America.⁴ Yet I fear that too tight a focus on the contemporary conjuncture occludes other forms of power with deeper historical roots that continue to shape systemic inequality. What of the spaces, situations, and struggles that are not-quite-neoliberal? The contours of Enxet and Sanapaná struggles impel me to shift focus from neoliberalism to reiterated forms of discrimination that emanate from older forms of racial capitalism. The effects of the politics of recognition that Enxet and Sanapaná navigate cannot be reduced to neoliberalism.

Much scholarship on neoliberal multiculturalism argues that states recognize Indigenous rights to co-opt Indigenous struggles and thereby advance the aims of the state. In such a calculus, recognition is largely symbolic and does not change colonial relations or resource redistribution but does extend new regimes of governance over previously "unruly" populations or "empty spaces."⁵ However, in the context of the Bajo Chaco, state policies often associated with multicultural recognition, particularly regarding Indigenous land rights, exhibit a different character. The Paraguayan state is not co-opting Enxet and Sanapaná struggles through recognition but recasting dispossession in a different light by creating an edifice of care and inclusion.⁶ Without doubt, neoliberal reforms and practices always intersect with and are conditioned by the geographic specificities of colonial power relations and existing forms of racial capitalism where reforms are implemented. Therefore, I am not suggesting that analysts should privilege attention to coloniality and racial capitalism over neoliberalism per se. But the shortcomings of multicultural policy here are due more to the *longue durée* of the racial capitalism that conditions Indigenous-settler relations than to recent neoliberal policy. Neoliberalism amplifies existing forms of racialization discrimination but does not supplant them.⁷

Attending to the politics of recognition in authoritarian and post-democratic contexts like those of Paraguay invites a rethinking of long-standing academic debates about the confluence of neoliberal political economic reforms and Indigenous political mobilization. Instead of being predominantly conditioned by neoliberalism, the politics of recognition in Paraguay stem from long histories of exploiting Indigenous labor. Such politics cannot be extricated from everyday or extraordinary forms of violence that maintain Indigenous dispossessions or the enduring promise of multicultural rights, even in light of the vast limitations of rights-based claims. For several Enxet and Sanapaná community leaders, building alliances with non-Indigenous indigenistas represented a critical conjuncture when the knowledge of rights—first for better working conditions, then eventually for land, and finally as humans—changed the politics of the possible and incited a new field of struggle that continues to the present.

“WE WORKED HARD”

In the wake of Anglican missionary work, many Bajo Chaco ranchers granted Indigenous peoples who lived on their ranches the right to hunt, fish, gather firewood, and tend subsistence gardens, suggesting that was compensation for their labor or ability to live within the private properties. One rancher with English and US heritage whose family has lived in the Bajo Chaco since the early 1900s, described the situation to me: “We let the indians live on our land. We had no problem with them. My father made the arrangement very clear. You could hunt and fish and set up your little home in a defined area. If you worked for us, you could still do those things but you would also earn a little food and some clothes. But back then there was no need for money. The indians didn’t want money. So, we just let them be.”⁸ Some older Enxet men, like Venancio Flores, recalled their relations with ranching patrones differently: “When I lived on the estancia, I did all kinds of work. I did everything. The patrón never paid me what corresponded. We all lived on the estancia. My complete family. They treated us badly when we lived there back then. There was very little food and we were all very hungry. Then when we claimed land and we still wanted to hunt and go fish, that is when they made us leave.”⁹

In practice, the ability to hunt or fish on ranchlands was contingent on the predilections of a particular patrón, though many ranches operated small stores that sold basic provisions, often locking people into *de facto* forms of debt peonage. The specific labor arrangements often involved employing Indigenous peoples without a fixed contractual arrangement, paying less than minimum wage per day of labor, and keeping payment until the end of the year, at which time patrones would first deduct the cost of a year’s worth of food and clothing from the total amount.¹⁰ Reporting from indigenista NGOs in the 1990s suggests that such labor arrangements signified that “they did not receive more than a ‘salary’ that could even

reach eight dollars per year.”¹¹ Renshaw’s longitudinal study of Indigenous peoples and social-economic relations in the Paraguayan Chaco provides a comprehensive analysis of general trends in labor relations on cattle ranches of the region. Attentive to the extent of settler land control and cattle capitalism, he observed, “Where the Indians lack any rights to land, they are completely dependent on the landowner. The dependence is further intensified through other mechanisms, such as payment in kind or credit, which oblige the Indians to purchase all necessities from their employer.”¹² Chase-Sardi, Brun, and Enciso provide a window into common patrón-Indigenous labor relations on Chaco ranches through the early 1990s.

We confirm that groups of four or five indian peons were assigned to one lot of forests, around nine hectares, with the job to cut it all down. The land is bad and forest thorny. They gave them food but no pay [during the work]. This was given at the end, when the patrón or capataz accepted the deforestation, with land that was totally cleaned. This [the pay] consisted of one pair of pants, one shirt, one pair of socks, and one pair of basic shoes to each person. This was all the payment the four or five indians would receive for their hard work, with only food given during eight or nine months. And this is a good example of what happened in all the ranches of the region.¹³

Enxet and Sanapaná interlocutors I interviewed across many communities in the Bajo Chaco regularly reported similar experiences. Felipe Inter of Xákmok Kásek would often tell me about the payment scheme on Estancia Salazar. He once chuckled, as if almost in disbelief, “Early in the morning you went to see the capataz at one of the main buildings.” He looked at his hands and made the shape of a small square with his forefingers and thumbs as if to hold something. “One can of *vaka’i* [ground beef, like spam].” He then looked at me with his aged right hand extended palm up, yet closed gently in the shape of a ball. “One handful of dusty yerba. Bad and bitter.” With his left hand, he then formed another ball. “One handful of yucca flour.” Dropping his hands to his lap, his gaze turned westward as if looking toward the old ranch. “That was all they gave us for the day. We would put it in a bag and leave to go do our work. We worked hard. . . . There was no other work because it was all ranches.”¹⁴ In addition to commenting on their material compensation, many of my interlocutors underscored the physical toll that years of hard labor exacted on the body. Anuncio Gómez, one of the few elders still living in Yakye Axa, shared memories with me as we sat on the side of a highway. His warm voice was frail with age and resonated in the unique tone of someone talking with no teeth. “When I was young, I didn’t stay still. I came here from way over there in the hinterlands of [Estancia] Alegria. Over there,” he said, waving his arm to the northeast. “Then I grew. Then I became a young man. And then I started to work. Horseback, horseback.” He turned his head to the side and raised his eyebrows before grimacing and rubbing the small of his back. “That’s the reason why I feel this. I feel everything. I feel everything. I am old. I lived in many places



FIGURE 5. Enxet laborers working on Estancia Loma Porã circa 1990, setting fence posts and preparing to string wire fencing. Photographer unknown. Photo courtesy of Mirta Ayala.

working: horseback, fences, cleaning land. There wasn't anything I couldn't do. And now, I can't do much of anything. That is how I lived."¹⁵

“MARANDÚ CHANGED EVERYTHING”

The prevalence of Indigenous labor exploitation in Paraguay incited an insurgent activist community that sought to advance a new rights framework amid the country's brutal Stroessner dictatorship. Started in 1973 by the anthropologists Miguel Chase-Sardi and Bartomeu Meliá at the Catholic University of Asunción, the Marandú Project had the express goal of training Indigenous leaders about their legal rights.¹⁶ Chase-Sardi's activism and advocacy transcended the borders of Paraguay, as he played a central role in the then-burgeoning international movement for Indigenous rights exemplified by his participation in the 1971 symposium “Inter-Ethnic Conflict in South America” hosted by the World Council of Churches in Barbados. At that meeting, Chase-Sardi helped draft and was a signatory to the Declaration of Barbados: For the Liberation of the Indians—a cornerstone of the emergent international Indigenous rights movement that would later result in the multicultural turn that followed democratization across the region.¹⁷ Chase-Sardi's team traveled to select ranches across the Chaco to spread the news of rights and incite a process of knowledge transfer intended to spur Indigenous action.¹⁸ Not entirely unlike the evangelism of Anglican missionaries that sought

to “liberate” Enxet and Sanapaná from savagery while also clearing the way for settler colonialism in the Bajo Chaco, the Marandú Project can be read as an evangelical endeavor whereby liberation rested in the promise that political rights would disrupt the throes of racial capitalism. Drawing from Paraguayan labor law and the principles of the 1971 Declaration of Barbados, Chase-Sardi used Marandú to connect the struggle for Indigenous rights in Paraguay with burgeoning international rights movements, thus preempting Paraguay’s multicultural turn.

In November 2015, I met with Marcelino López, one of four leaders of Xákmok Kásek, who broke with the community when sixty-three families decided to forcibly reoccupy their ancestral lands in February that year. Instead, he and his family stayed in 25 de febrero, a small parcel of land ceded to the people of Xákmok Kásek by another Indigenous community after Xákmok Kásek was forced to leave Estancia Salazar in 2009. We sat in the dappled shade of young algarrobo trees next to a one-room brick schoolhouse and a 5,000-liter, cracked, fiberglass water-storage tank emblazoned with fading white spray paint that read “Oxfam.” The elementary school chairs we were sitting on wobbled under our weight as we passed *tereré* to one another. Towering thunderheads grew as oscillating waves of cicada song built to a shrill, near-deafening sound, underscoring the increasing summer heat and humidity. I furtively watched storm clouds building above the trees as we sat, while the palpably increasing humidity manifested in the sweat beading on both our brows eventually dripped to the ground. Marcelino spied my worry about the weather and laughed out loud, shaking his head slowly while sharing his scarce but generous smile. “Ndokymo’ai koa [This won’t rain],” he said, gesturing to the sky. Marcelino knew the prospect of rain made me nervous. When it rains, the 50-kilometer dirt road to the community turns to deep mud, slick as wet ice, that can render travel impossible for a day or a week at a time depending on the severity of the storm. Marcelino and I had been trying to meet for this interview for about ten months. Due to a series of events—principally rain, road conditions, Marcelino’s work as ranch *capataz* that takes him away from 25 de febrero for weeks at a time, and my work commitments in different communities—finding a time to sit down for an interview had been challenging. The impending rain threatened to cut our opportunity short. Still, we sat, drank *tereré*, swatted mosquitos, and talked like the rain would never arrive.

Recounting his view of the key moments in Xákmok Kásek political mobilization, Marcelino reframed the story of the struggle in a way that few others had done. At one point, he looked me directly in the eyes to say, “Marandú changed everything.” He paused, letting the words sit in the air between us. “Before that, we just worked and lived on the ranch. We did not know that we had rights—we did not even know what rights were. . . . Then Chase-Sardi came with Marandú and he did 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.” I passed him *tereré*, which he drank with a long, slow draw on the metal straw before snapping his head back to laugh loudly and flash a large smile. “We were crazy [*tavy*] 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.”¹⁹ One of the most fundamental changes he referenced was adoption of Law 904/81. With the 1981 adoption of Law 904, “the Indigenous Communities Statute,” Paraguay begrudgingly began to open avenues for Indigenous peoples to claim legal rights. Law 904/81 established the framework for state recognition of Indigenous peoples and adjudication of the rights they are guaranteed, including the process for land restitution that communities could use to regain access to portions of their territories. “We didn’t know about ancestral territory, but we learned about it, that we had rights to it.”²⁰ Then we demanded the state give us our land back. That is how the *lucha* [struggle] began. Chase-Sardi taught us about rights. And so we tried to get better working conditions. 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.”²¹

As Marcelino spoke those words, I was struck by how his story denoted a stark threshold—a before and after that changed Sanapaná political subjectivity vis-à-vis the state and ranchers. For him and many others from Xákmok Kásek, Marandú represented an opportunity to learn a language of rights that incited new political possibilities and fields of struggle.²² I mean this literally because, as noted above, *marandú* means both “news” and “knowledge” in Guaraní. The new knowledge of rights, that they existed and insinuated a specific relationship with the state and other actors, created new epistemologies Enxet and Sanapaná peoples leveraged to forge strategies that advanced their visions of the future. It is no surprise then that Xákmok Kásek’s claims originated from demands for better working conditions on Estancia Salazar and later evolved into demands for land rights as the Paraguayan state adopted new legal instruments.

The Stroessner administration stopped the Marandú Project in 1975, when officials arrested, jailed, and tortured Chase-Sardi and four of his colleagues. Amid the Cold War and Paraguay’s brutal dictatorship, the state criminalized much collective mobilization and direct challenges to the political economic order of the landed elite.²³ Furthermore, Chase-Sardi’s activism intersected with the work of the German anthropologist Mark Münzel and the Danish solidarity NGO, International Working Group on Indigenous Affairs (IWGIA), alleging that the Paraguayan state was culpable for acts of genocide against the Aché people who live in southeastern Paraguay.²⁴ The genocide claims originated in response to Paraguay’s state policy of integration from 1958 to 1966 that involved coercing Aché to settle on reservations where many succumbed to disease, were sold into child slavery, or abused in other ways.²⁵ Whereas Marandú was principally a domestic affair, the Aché case advanced to the Inter-American Commission on Human Rights and shone a bright light on the Stroessner regime’s abuse of Indigenous peoples. The

Aché genocide case was not proven in court, and the Stroessner administration was never found guilty, but the resulting international pressures led by the US government and action by domestic solidarity organizations prompted Stroessner to take the first steps to formalize Indigenous rights.²⁶ Despite its brief existence, Marandú was integral to the political formation of many Enxet and Sanapaná who, like Marcelino, became leaders in their respective communities and struggles.

Paraguay's legal framework provided no robust protections for Indigenous peoples prior to the passage of Law 904/81. As Chase-Sardi, Brun, and Enciso write, "In relation to the fact that the white colonists occupied the lands of the natives, they [Indigenous peoples] cannot protest due to the letter of the law, because there is none. The law gives rights to force undesirables from property, and if necessary use force to achieve this. . . . The indians suffer most in this situation because they have no rights or possibility for legal defense."²⁷ Given the legal lacuna, Chase-Sardi and colleagues sought to leverage labor law to improve Indigenous well-being. Indeed, the strategy they used was not unique to Paraguay. The International Labor Organization (ILO), formed in 1919, played an early, albeit vital, role in fostering intergovernmental and international frameworks for the protection of Indigenous well-being vis-à-vis labor law. In response to the widespread prevalence of using forced Indigenous labor or egregious labor exploitation arrangements that denied adequate pay or safety, the ILO was formed, in part, to "address directly the political and economic disempowerment of indigenous peoples."²⁸ And while the Forced Labor Convention of 1930 and Convention 107 in 1957 were intended to protect Indigenous laborers, they failed to respect Indigenous self-determination insofar as Convention 107 was unabashedly integrationist, despite having an origin in the antislavery abolitionist society.²⁹ Marandú did not have assimilationist intents like ILO 107 or the Anglican resettlement project La Herencia, but the project did resonate with burgeoning international efforts to use labor rights as the vehicle to develop exclusive rights for Indigenous peoples.

PARAGUAY'S MULTICULTURAL TURN

Across Latin America, and certainly in Paraguay, the purported fight to stave the spread of communism throughout the Cold War resulted in the evisceration of democratic norms, as evidenced by the prevalence of authoritarian dictatorships. The wave of torture, extrajudicial killings, and "disappearances," acts often directly or tacitly supported by US policy, are not relics of the past; they continue to shape struggles for justice across the region.³⁰ As evidenced by myriad examples too numerous to cover here, Indigenous peoples were often regarded with direct or tacit suspicion as vectors for the spread of collective organization and socialist political mobilization.³¹ Exemplifying this, the first state agency created to address Indigenous issues in Paraguay in 1958, the Department of Indigenous Affairs (DAI), was operated by the Ministry of Defense. DAI deemed Indigenous peoples wards

of the state and advanced an integrationist policy by promoting Indigenous settlement and agricultural production to contribute to the predominant economic activities driving state-led development in its rural frontiers. There was, however, a clearly anticommunist imperative to this work. Harder-Horst writes, “Whenever peasants challenged the existing land-tenure system, Stroessner, to legitimate repression, publicized a ‘Communist Threat.’ Given such paranoia, it should not be surprising that his generals feared that isolated native settlements’ communal lands were actually hotbeds for potential Communist infiltration.”³² The suppression of Indigenous collectives throughout the Cold War exposes the politics of resource control used to legitimate long-standing projects of racial stratification based on the distribution of land rights.³³

However, the democratic opening that swept Latin America in the late 1980s through the early 1990s seemed to reverse course by rejecting assimilation and the “indian problem” through new rights regimes based on principles of recognizing and respecting difference.³⁴ In the wake of long-standing genocidal policies and violent assimilation tactics that sought to erase Indigenous presence across the Americas, the “acceptance” of ethno-racial difference through official multicultural policies promised to fulfill liberal ideals of equality, liberty, and morality by improving Indigenous well-being.³⁵ In short, Indigenous dispossession is incongruent with imaginaries of liberal democratic states that “should” foster societies that accept and allow spaces for socio-cultural difference.³⁶ The official turn to multiculturalism by many state governments in Latin America brought with it a newfound body of rights to protect populations that have been historically dispossessed of land, recognition, and political inclusion, specifically, Indigenous and Afro-descendant communities.³⁷ From regionwide constitutional reforms to the 1993 adoption of Law 70 in Colombia that legally codified Afro-Colombian collective rights, the multicultural turn initiated a wave of new political demands across the region.³⁸

Given that labor laws were the principal tool used to advocate for better living conditions on the ranches during the Marandú era, the multicultural turn created a specific body of Indigenous rights laws that promised to reverse historic inequalities and wrongs wrought by land dispossession. The laws created the juridical possibility that Enxet and Sanapaná peoples could take back the same lands stolen from them where they had labored “practically as slaves,” as Eulalio recounted to me. The multicultural turn thus references a historical conjuncture when states across Latin America embraced a vision of Indigenous rights as vital to democratization and the enduring policy framework used to govern ethnic difference. That is to say, in the context of Paraguay, the codification of Indigenous rights is inherently, albeit tenuously, tied to a rejection of authoritarianism.

Nevertheless, in practice, multicultural policy has reinforced racial boundaries, particularly through the adjudication of Indigenous land rights. As Coulthard argues, “Instead of ushering in an era of peaceful coexistence grounded on the

ideal of reciprocity or mutual recognition, the politics of recognition in its contemporary liberal form promises to reproduce the very configurations of colonialist, racist, patriarchal state power that Indigenous peoples' demands for recognition have historically sought to transcend.³⁹ Although Coulthard is writing of Indigenous experiences in Canada, similar power relations permeate Indigenous-state politics in Latin America. Radcliffe captures this dynamic in her work on postcolonial development policy in Ecuador, arguing that "multiculturalism did little to challenge, let alone overturn, entrenched colonial [read racial] hierarchies, as it tended to regulate expressions of difference while retaining forms of privilege and stigmatization."⁴⁰ Rather than alter colonial forms of power, multicultural rights most often advance a political agenda that (de)limits the range of possibility and acceptable "difference" of Indigenous lives that is fundamental to how settler colonialism operates socially and spatially.⁴¹

Here I am not arguing against efforts to increase equality and social justice. The adoption of Indigenous rights coupled with constitutional and policy reforms have created new politico-juridical means that Indigenous communities around the world have used to advance self-determination and territorial autonomy.⁴² Proponents of multiculturalism suggest that ethnic rights can alleviate dispossession and create more equitable, just societies.⁴³ Constitutional reforms and the ratification of new legal instruments, such as the ILO Indigenous and Tribal Peoples Convention 169, were therefore common aspects of regional efforts to develop multicultural rights frameworks.⁴⁴ However, as I have argued elsewhere, the liberal, statist legal framework is an aporia where the pursuit of justice is necessary but always out of reach because such laws reaffirm the authority of the settler state.⁴⁵ Where multicultural reforms have been adopted to ensure Indigenous rights, there is a pervasive and persistent gap in the implementation of the laws and policies that those reforms produce, with highly uneven effects on Indigenous well-being.⁴⁶

RECOGNITION AND LEGAL PERSONHOOD

Law 904/81 created the legal process to adjudicate land restitution to Indigenous peoples as collective property but with very specific prerequisites to attain legal recognition. That law defines Indigenous communities as "a group of extended families, clan, or group of clans with culture and their own system of authority that speak an autochthonous language and live together in a common habitat."⁴⁷ Though the Law 904/81 does mention Indigenous self-determination (*autodeterminación*), there is no mention of Indigenous peoples, only "communities," "clans," or "groups." Further, Law 904/81 defines communities as settlements of at least twenty families (i.e., separate households) and entitles those in the Chaco to a *minimum* of 100 hectares per family. By that calculus a community of twenty families is guaranteed at least 2,000 hectares within their ancestral territories with titles administered collectively, in the name of the community, not individual families.

Once titled, Indigenous lands cannot be rented, subdivided, or resold, thus fixing them as static entities within a dynamic propertized landscape. Even though Law 904/81 was a major advance for Indigenous rights in Paraguay and is fiercely defended by Indigenous peoples from the regular threats to dismantle or weaken its content, the law truncates Indigenous collectives through its mandate about the form and limits of community rights.⁴⁸ Nevertheless, it is the operational legal framework necessary for land restitution. Communities must therefore attain *personería jurídica* (legal personhood) to legally reclaim their lands.

Recognition as a *personería jurídica* is a complex process. It requires conducting a community census with a registry of all family names and demographic data (gender, marriage status, age, etc.), providing the specific geographic location, identifying and naming leaders, then presenting all of this information to INDI. Here I focus on naming leaders. The act obligates INDI officials to visit communities and attend a meeting where community members approve the new leadership. Everything must be documented in writing and signed by all community members and the INDI officials in attendance. The whole process is repeated with any subsequent change to official leadership. This is not only a cumbersome procedure, but one that reasserts the centrality of the state's authority by mandating its physical presence in collectives that pursue official recognition as communities or seek to change leadership within them. In March 2016, I witnessed the process unfold in Sawhoyamaxa when a young man, Eriberto Ayala, was slated to be named a new leader of the community. Eriberto was born on the Loma Porã ranch that Sawhoyamaxa claimed 14,404 hectares of land from. He spent most of his childhood living on the side of the highway that passes in front of the ranch after several families were expelled from Loma Porã for demanding land restitution. Unlike most other members of Sawhoyamaxa, Eriberto has attended some college, has traveled to the United States and Europe to represent Sawhoyamaxa, and is a deft, multilingual orator and highly skilled negotiator who has played a leading role advocating for his community. As such, he has catapulted to the fore of the community's struggle.

"We have been wanting to hold this meeting for a long time," Eriberto told me as we drove from his *aldea* (smaller village within the community) to Leonardo's, where the INDI officials had been instructed to visit. We arrived to find a few cows resting in the shade of a large tree but no one else. Leonardo left his house and walked across the pasture to join us when he saw us start carrying chairs from the nearby schoolhouse to the shade. "Where are they?" asked Eriberto. Leonardo replied, "I just Whatsapp'ed with them. They are on their way from Concepción." Eriberto had been awaiting this day, when he would be recognized as a leader of his *aldea* and therefore one of the primary leaders of Sawhoyamaxa. "We'll see," he said. "Call your people, Leonardo. I'll call Marecos. Let's get everyone ready for when they get here so this doesn't take too long." After setting up six small wooden chairs and a small desk, we sat and waited. Over the next hour people from

Leonardo's aldea, mostly women and young children, joined us under the tree, walking from their homes, some up to 2 kilometers away. Carlos arrived from his aldea on a well-worn motorcycle. Notably, no one from Eriberto's aldea joined the meeting. Although sharing a single communal name—Sawhoyamaxa—the years of conviviality, struggle, and life together have created tensions and subdivisions within the broader “community.”⁴⁹ As a result, each aldea is a smaller subcommunity often based loosely on family ties. Yet being elected and officially recognized as a leader by INDI empowers each leader with the ability to represent the Sawhoyamaxa collective in official state negotiations and proceedings. Sitting in the grass, some women drinking *tereré* questioned, “Why aren't there more people here? Picking a leader is important. We should be over there.” They thought it strange that this meeting was not being held in Carlos's aldea, often referred to as Sawhoyamaxa Central for its location and fact that he is the community's longest acting leader. Before anyone attended to this concern, the rumble of a truck approaching on the lone dirt road that stretches a straight 3 kilometers from the highway to where we sat alerted us to the arrival of the INDI officials. Eriberto stood, walked to my car, and grabbed the black blazer he brought with him for the occasion.

“Sorry that we took so long.” Three INDI functionaries got out of their truck as Eriberto and Leonardo greeted them. They shook hands and chatted for a few minutes before gathering their things—a clipboard and a worn folder full of documents, as well as a thermos with water for *tereré*—before walking over to the small group that had gathered for the meeting. “Mbãeichapa pende ka'aru”—How are you this afternoon?—asked one official as she looked around to assess the group before sitting at the desk and setting up her supplies. “Ore tranquilopa,” we are doing well, replied one person in attendance. “Good then. I understand we are here because you would like to name a new leader.” She pulled out a community census and a small notebook to write the *acta*—official minutes of the proceedings—that would record the events and be stored at the INDI office in Asunción. Carlos then started speaking from his chair: “We are here to add new leadership to our community. Eriberto has grown up in the *lucha* and has done a lot of work for the community. His people want him to be a leader of 16 de agosto with Bascilio. Leonardo, Bascilio, and I agree. What do you all think?” As these meetings often go, people were reluctant to talk at first, but eventually one woman spoke out. “Iporã. Good. Eriberto has done a lot.” With that, others joined in to share thoughts.

The INDI officials sat, listened, and took notes throughout the discussion but offered no interventions until it was time to officiate the change. Then one of the officials spoke: “We will need to record the names of those in attendance and check them against our census.⁵⁰ Please show me your identity card when you come to the desk.” Leonardo had already gathered the documents from the thirty or so people in attendance and handed them to the functionary, who then copied each name onto the *acta* after checking them against her census. Once done, she called

each person forward to either sign under their name or place an inky thumbprint on the page if they did not know how to write. The whole affair lasted just over an hour once things began, a short and uneventful meeting given the consequences of naming a new leader who will generally have the role for life.

Choosing new leaders, even though community members name their leaders, often changes internal power relations. The state's requirement to name and recognize leaders has several immediate effects. First, it facilitates state governance of Indigenous peoples by rendering communities legible in a specific manner that aligns with state dictates. The use of censuses, birth and death registries, demarcation of lands as a form of property, and recognition of specific leaders all serve to order people and land in a manner convenient for the state. Alternatively, when people are not recorded on such "official" records due to several structural factors like lacking identity documents, that also serves as a *de facto* mode of governing life, through erasure. Second, by assuming that one person or a small handful of people will effectively represent their communities, the process imposes a hierarchical political organization in communities that may, or often do, operate according to other forms of social organization. Naming political leaders may challenge the power of other "unofficial" leaders, such as shamans or spiritual guides who play an important role in historical and traditional social organization, if the selected leader(s) do not traditionally map onto customary power structures within communities. Third, communities often select leaders who can speak and understand the *lingua franca* necessary to negotiate with the state: Spanish. Until recently, relatively few Enxet and Sanapaná spoke Spanish well, as Guaraní is the *lingua franca* on the ranches and is widely spoken in Yakye Axa, Sawhoyamaxa, and Xákmok Kásek. Limited literacy rates are still quite high as access to formal education is sparse, with less than 5 percent of young people having access to classes beyond fourth or fifth grade and most classes being taught in Guaraní locally. Language and literacy thus limit who has access to political power and influence beyond the communities.⁵¹ Taken together, these three factors in practice work to delimit how communities choose their leaders and also place a great deal of power in individuals to gain and access resources that other community members cannot because of their status as recognized leaders.

In the weeks following Eriberto's recognition as a leader, I heard comments from members of Sawhoyamaxa who raised concerns about the process and its potential effects, for example: "He speaks Spanish well and is smart. He has done many things for Sawhoyamaxa, but I do not know if he is the best person to be a leader. We didn't know about the meeting so could not debate this. Those leaders have things that we don't have." Comments like these point to tensions and unequal relations within communities that are exacerbated by the imposition of new social and political orderings that facilitate the aims of the state but are presented as respecting Indigenous self-determination. Law 904/81 is a tool to defend Indigenous rights but creates a uniform model to which Indigenous peoples must

conform to access state services or attempt to act on the rights they are legally afforded. That is, communities can technically decide their leaders, but they must do so within the specific constraints of the state's mandated process and not necessarily according to social or community norms. Despite these limits, recognition of leaders in this manner is necessary because it creates the opportunity to gain *personería jurídica*, the vital step toward demanding land restitution.

TO TAKE BACK THE RANCHES

Law 904/81 created the legal avenue to reclaim portions of ancestral territories lost to ranchers. Many of my Enxet and Sanapaná interlocutors refer to this process simply as “the *lucha*,” in Spanish, “fight” or “struggle.” When people refer to the *lucha* they mean not just the process of demanding land from the state but the generations-long struggle to fight for self-determination as a people whose rights, however, continue to be violated. One cold morning Anivel Flores and I sat next to a small crackling fire in the cold predawn light at his home on the site where the Yakye Axa community has lived since their land claim began—the margin of a highway in front of the lands taken from his forebears—when he reflected on his community's *lucha*.

Our case, *ore lucha*, has been very long. The people have tried in many ways so that they can overcome the *lucha*, but they could not. There came a moment when our leaders were tired. They died. You know? Esteban López and Tomás Galeano. They were the first leaders in this place. The *lucha* has been very long. We have experienced so much. They were so tired, and there was no response from the state. There came a moment when they were so tired and the people were losing faith. The state officials gave us no answer. There was little hope. They didn't give. With the passing of time the leaders got sick. That illness killed them. I don't know what kind of illness came. But they died. First Tomás, then Esteban. As far as I understand, they knew something. Something is extremely important about this place. . . . The first thing, the way the *lucha* began was that the people first demanded the Loma Verde ranch land. They claimed what the law says. What I understand is that the law says the Chaco was Indigenous territory. For that reason the people claimed, they claimed one original territory. That is Loma Verde.⁵²

The *lucha* that Anivel refers to here began at a very specific moment, when the Yakye Axa community demanded that the Paraguayan state return 18,188 hectares that had first been appropriated for the Anglican industrial ranch El Paso and later sold to the owners of the Loma Verde ranch. Following Esteban López and Tomás Galeano's initial petition for *personería jurídica* status and land restitution in 1993, in 1996 the state finally recognized Yakye Axa as an Indigenous community. Community recognition should take a maximum of thirty days per Law 904/81. However, significant delays in securing formal recognition regularly occur and are commonly explained by state officials as a matter of bureaucratic procedures.⁵³

Such explanations falter because a clear pattern of state neglect to adjudicate Indigenous rights is plain to see across the Yakye Axa, Sawhoyamaxa, Xákmok Kásek, and Kelyenmagategma cases. As I discuss in depth in the next two chapters, not only did the effects of these delays on human rights impel the Inter-American System to hear each of these cases, but they are also indicative of how the politics of recognition spur environmental racism that is rendered visible through Indigenous land claims. However, here I focus on how and when each land claim began and tease out some common threads across each case.

Whereas Anglican missionaries in the Bajo Chaco purchased lands for some Enxet, Sanapaná, and Angaité communities through La Herencia and other Indigenous settlements were established at El Estribu (the Tribe) and La Patria (the Fatherland) in the late 1970s and early 1980s, many other communities sought land restitution via Law 904/81. Rather than resettle on land purchased by the church, members of Sawhoyamaxa, Yakye Axa, Xákmok Kásek, and many other communities chose to pursue the promise of the law and make the state return portions of their ancestral lands. In Tierraviva's archives I traced each claim to their initial filing dates: Xákmok Kásek in 1986, Sawhoyamaxa in 1991, and Yakye Axa in 1993.

State officials have resisted returning Enxet and Sanapaná lands for decades. As a result, members of the Yakye Axa, Sawhoyamaxa, and Xákmok Kásek communities endured what Nichols might call "recursive dispossession," manifested here in the denial of land rights, ensuring material impoverishment, human rights violations, and epistemic violence.⁵⁴ Enxet and Sanapaná peoples mobilized concerted campaigns with support from organizations like Tierraviva to pressure the Paraguayan state to address the state's failure to resolve each community's land claims. Instead of resolving the claims, administration after administration has made minor gestures in attempts to placate community members despite egregious human rights abuses. Rather than govern by upholding the law, several successive state administrations have instituted a near-permanent state of emergency, first instated by the decree President Luis González-Macchi issued in 1999 to provide food and water services to Yakye Axa and Sawhoyamaxa.⁵⁵

The IACHR highlighted the state's rationale for issuing the emergency declarations in its 2005 Yakye Axa ruling. The deprivation of land rights thwarted "access to the traditional means of subsistence associated with their cultural identity, because the owners [of surrounding ranches] do not allow them [i.e., members of Yakye Axa] to enter the habitat that they claim as part of their traditional territory."⁵⁶ The states of emergency declared in Yakye Axa, Sawhoyamaxa, and, later, in Xákmok Kásek explicitly reference the material life conditions created by land dispossession, specifically, the lack of access to reliable water sources, the prohibition of entry onto private properties for subsistence activities like hunting or firewood collection, and acknowledgment that the communities had no land that could be used for agricultural production. In other words, the emergency declarations show that state officials were aware of the grave circumstances in each community. The

declarations' core provisions include orders to provide monthly emergency food rations, potable drinking water, regular access to medical care, and assurances that basic housing and education needs are met until resolution of land restitution. Yet the state of emergency, like the *lucha*, has become the norm.

The *lucha* has taken so long that many Enxet and Sanapaná interlocutors do not recall exactly when it began, instead discussing it as the condition of everyday life. During a conversation with a group of women from the Santa Elisa aldea of Sawhoyamaxa about the community's land claims, Gladys Benitez stated, "I don't remember well what year we began *ore lucha*. I think it was the year 1998 when we started *ore lucha*. That is when we started our claim. You will have to ask Carlos. He knows well. He has been leader the whole time."⁵⁷ She paused, mulled the question further, and pointed to the ground. "This is ours. We lost our people here. This is our real territory [Ko'a ha'e ore tekoha voi]. Our grandfathers and our grandmothers came here. They were with us when the *lucha* began. They ended here during the *lucha*. Now they are no longer with us." Gladys paused again and looked at the group, eleven women, three small kids, and one infant, gathered under the small porch of a home constructed on lands Sawhoyamaxa had recently reoccupied.

We have endured suffering for many years. Kids have died. Elders have died. Young men and young women have died. They all died throughout the *lucha*. Hunger. Exposure to the cold. We have experienced much here. There is no way to make money. We have so much suffering. We have been sick. There are no doctors. There is no medicine. So we have experienced much and lost many of our people throughout the *lucha*. We cannot lose this land. They must title it to us. They know that it is truly ours and that we have the right to claim it. That is all I have to say.

Gladys's words make clear that when exactly the *lucha* began matters less than the recurrent effects of the epistemic and affective violence of withholding lands.

I do not suggest that Yakye Axa, Sawhoyamaxa, Xákmok Kásek, and Kelyenmagategma have had the same experience navigating their respective *luchas*. The specific histories and details of the four cases are distinct. But there are important trends that resonate across the cases. Among these, state officials and responsible institutions have failed to provide due process of law in several key areas: (1) adjudicating community recognition in a timely and meaningful manner; (2) ensuring community members have basic identity documents, including birth and death certificates, so they can access necessary state services; and (3) resolving legal matters on which land restitution hinges. These trends are plain to see in the narratives shared above but also in the legal process each community has endured through the *lucha*. Beyond merely filing petitions for land restitution, each community pursued all domestic legal avenues to advance their claims, before eventually losing their respective appeals for land restitution before the congress in the late 1990s. Another important common thread in these cases is that each community began working with Tierraviva shortly after it was founded in 1994 by Anglicans

and Paraguayans upset with the Mission's legacy in the Bajo Chaco and the state's refusal to adjudicate its Indigenous rights law. Lawyers and staff from Tierraviva have worked closely with each community, playing an influential role in shaping the legal strategy used in the Enxet and Sanapaná dialectics of disruption. Rather than recite a story of centuries-long resistance or a claim to radical alterity that animates indigenism across many sites in Latin America, my Enxet and Sanapaná interlocutors maintain a sharp focus on demands based on political rights—first for better working conditions, then to reclaim lands taken from them on which they had been forced to labor.

Political rights and the normative assertion that the state is responsible for ensuring those rights have long animated much Enxet and Sanapaná activism.⁵⁸ Using the phrase “*ore derecho*” (our rights), my interlocutors often articulate their demands in specific terms that clearly denote this point. In Paraguayan Guaraní the word *ore* connotes an exclusionary expression of the English-language concept “we,” signifying only the group associated with the speaker.⁵⁹ “*Ore derecho* says that the state must provide land in sufficient quantity and of good quality for free to the Indigenous. But not any land, land we choose, our ancestral land.” Clemente Dermott, one leader of Xákmok Kásek, would regularly explain this to me, making clear that Indigenous rights to communal land supersede individual private property rights. On the other hand, when Veronica Flores from Yakye Axa said, “The state doesn’t see *ore derecho* because they have left us here without doing anything to stop our suffering,” she made clear that Indigenous rights are discretionary. And when Leonardo González, a leader of Sawhoyamaxa, said, “*Ore derecho* is clearly stated in Law 904 and the constitution but they choose to do nothing,” he was pointing to Paraguay’s primary Indigenous rights laws that are irrefutable on paper but elusive in practice. Thus saying “*ore derecho*” in these contexts means the rights of/for the Indigenous peoples, exclusive of non-Indigenous people. The discursive appropriation of *ore derecho* inverts the exclusionary logic of multiculturalism by explicitly denying access to non-Indigenous peoples. In this way, Enxet and Sanapaná engagements with multicultural politics of recognition have been strategic acts that seek to disrupt settler and state power through subtle but clear forms of refusal to abide by the status quo.⁶⁰

“I WANT TO BE SEEN AS A HUMAN”

The first time Eriberto and I met, it was a damp winter day in 2013, overcast with flat gray clouds. We sat together drinking *tereré* on the back patio of the Tierraviva office in Asunción for just over three hours. The Tierraviva office is a hub of legal advocacy that also serves as a site for Indigenous collaboration and exchange. The organization provides a small hostel-like space where Indigenous peoples from across the Chaco can stay free of charge while they attend to necessary community business, like attending meetings at INDI, trying to ensure that the Ministry of

Health provides medical services, petitioning the Ministry of Education for a schoolteacher, or other similar affairs. The hostel is a site where people meet, wait for their meetings, talk, and build relations.

Eriberto and my conversation traversed many topics. But some two hours in and long after the yerba mate in our *tereré* had lost its flavor, he said something that has remained with me: “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. *I want to be seen as a human.*”⁶¹ Eriberto’s words suggest that to be Indigenous is to be afforded certain rights and privileges that are simultaneously *more and less* than those of non-Indigenous. Elsa Ayala, an elder who is Eriberto’s grandmother, expressed a similar sentiment to me, albeit in other terms, one afternoon in 2016 while we talked in Sawhoyamaxa.⁶²

Our family suffered so much at the Loma Porã [ranch]. I also worked at the Loma Porã ranch. I did not get anything except for the accident that I had there. For thirteen years I lived inside the ranch and our children suffered. Then they changed the administrators. They changed them. Then they had no more work for our people, and we all had to leave to live on the side of the road. They [those removed from the ranch] looked for a place to survive on the road because there was no more work at the ranch. They did not give us any more work. The innocents [children] suffered. They suffered so much. So there was much that we did. We went to the palms. We went to the vines. There was nothing else we could do to feed our families. Now the same thing is happening again here. No one [from the state] comes here to see us and they know where we are. . . . They treat animals better than the Indigenous.

Mundane, routinized forms of dehumanization recall the specter of the Indigenous “other” who occupies a “savage slot” through which difference is defined, studied, and ultimately maintained.⁶³ This “slot” exists beyond academic theorization; it permeates the settler narratives I assessed in chapter 1, narratives that named Enxet and Sanapaná as “savage” while calling for Indigenous peoples to abandon their traditions such that they might become Christian capitalists—in effect, more human.⁶⁴ Such discourse indexes the partitioning of Indigenous life from non-Indigenous that occurs in long-standing racial tropes and juridical practice.⁶⁵ Further, a sort of “savage slot” is manifest in multicultural policies that define difference in ways that reinforce the very racial hierarchies that precipitated the creation of such policies. The “savage slot” is thus rendered a juridical relation with the state through which people and land are organized and perhaps governed. This dynamic is plain to see by assessing the process of becoming a legally recognized Indigenous community with legal personhood and the outcomes of efforts to recover stolen lands. And while many scholars have assessed the politics of recognition in Latin America through the lens of neoliberal multiculturalism, I have taken a different approach.

Much of the academic debate—particularly emanating from US-based scholars of Latin America—takes aim at the uncanny confluence of neoliberal political-economic reform and ethnic rights. No scholar has been more influential in advancing this critique than Charles Hale, whose concept “neoliberal multiculturalism” has shaped years of subsequent analysis.⁶⁶ Hale’s book *Más que un indio* analyzes how the rollout of neoliberal political economic reforms in the 1990s ran parallel to, and indeed motivated, the adoption of limited multicultural rights for the Indigenous peoples of Guatemala, particularly the Maya. Whereas analysts suspected that the evisceration of state services and promotion of the individual over the collective, which often defines neoliberal practices, would produce antagonistic relations between Latin American states and Indigenous peoples, Hale incisively observed the opposite to be true.

The point is, simply, that neoliberal economic reforms have embodied great flexibility in regard to indigenous cultural rights; this follows because the key defining feature of neoliberalism is not strict, market-oriented individualism, as many contend, but rather the restructuring of society such that people come to govern themselves in accordance with the tenets of global capitalism. Compliance with the discipline of the capitalist market can be individual, but may be equally effective as a collective response. . . . As long as cultural rights remain within these parameters, they contribute directly to the goal of neoliberal self-governance.⁶⁷

Hale’s analysis is persuasive, and neoliberal multiculturalism is clearly a powerful framework that resonates across the Americas. Indeed, his work has greatly informed my thinking on Indigenous politics in Latin America. Hale is attentive to historical continuities and has recently argued that the era of neoliberal multiculturalism may be coming to an end.⁶⁸ But I fear during years of circulation many scholars (and students) use the concept of neoliberal multiculturalism as a “black box” that privileges contemporary political economic dynamics over the legacies that shape them. My point is not to disregard the utility of neoliberal multiculturalism as an *analytic* but to suggest that in many instances, such as the cases discussed in this book, the concept never fully captured the complexity of struggle or the nuances of Indigenous demands.

The Enxet and Sanapaná struggles that animate this book precede multicultural and neoliberal reforms in Paraguay, as do the prevailing modes of racialized governance established by the missionaries and cattle ranchers who have long controlled land and livelihoods in the Bajo Chaco. In the previous chapter I outlined how settler colonialism, expressed through the establishment and spread of cattle ranching, produced distinct racial geographies. Those very geographies endure to the present day, manifested in the biophysical landscape that is now a highly altered system designed to support one form of life: cattle. Yet this biophysical, more-than-human landscape is also simultaneously the product of distinct social and juridical relations. Thus, as interlocutors like Marcelino López, Elsa Ayala, and

dozens of other Enxet and Sanapaná I have spoken with from across the region have recounted, the racial hierarchy of land control that shapes ongoing struggles for land rights was forged not by neoliberalism but by a form of racial capitalism that operates today much as it did in the early 1900s.

It was within this conjuncture that the Yakye Axa, Sawhoyamaxa, Xákmok Kásek, and Kelyenmagategma communities all embraced the promise of rights and, later, the politics of recognition to make their respective land claims. Yet, returning to Marcelino's recollection of the Marandú Project, "We were crazy until we learned we had rights," and reading it alongside Eulalio's statement, "We were practically slaves until we learned we had rights," I aver that long-standing patrón-peon relations forged in the first waves of racial capitalism in the Bajo Chaco shaped Enxet and Sanapaná political struggles through the present. These issues intersect with neoliberal reforms and multicultural politics but are not predetermined or inherently bound by either. This is not to say that nothing has changed, but rather that the effects of the neoliberal conjuncture have amplified existing forms of oppression spurred by racial capitalism. Enxet and Sanapaná struggles not only precede neoliberalism and notions of multiculturalism, but they promise to outlive them and cannot be constrained to that specific analytic. While it is undeniable that engaging the law and comporting with the state constrained the scope of Enxet and Sanapaná political struggles for decades, the actual dynamics of land control and settler-Indigenous relations reveal the limits of the neoliberal multiculturalism analysis in this context. Instead of working as an ethnic spatial fix to facilitate resource governance by making "empty lands" legible to the state by advancing private property regimes, the cases discussed in this book all revolve around a different dynamic. None of the land in question was "empty" or actively controlled by Enxet and Sanapaná at the time of their claims. Each case centered on taking land from private property owners—ranchers—whose use was predicated on economic productivity, then returning that land to Indigenous communities who would hold it collectively, and ultimately diminishing the economic productivity of the land vis-à-vis the legal tenet of "rational exploitation" established in Paraguay's Agrarian Statute.⁶⁹

Attending to the entwined operation of racial capitalism and settler colonialism provides a better analytical frame to explain how and why Indigenous dispossessions persist on extractive frontiers that are not-quite-neoliberal. Penelope Anthias's *Limits to Decolonization* provides an important critique from which I build: "By locating the limits of cultural rights in a particular governmental paradigm—a kind of 'recognition trap' that indigenous peoples fell blindly into—critiques of neoliberal multiculturalism obscure the deeper structures of coloniality and capitalism that condition indigenous struggles for territory in the present."⁷⁰ I agree that there is too great an emphasis on neoliberalism as the primary proponent of Indigenous dispossessions. Neoliberal policy and practice are struck through with enduring colonial power relations and always racialized, but the organizing

principle of settler colonialism is Indigenous dispossession—first of land, then of all forms of autonomy.

The Indigenous activists, academics, and lawyers who have played vital roles in creating Law 904/81, pushing the Paraguayan state to include a chapter in the 1992 constitution to codify Indigenous rights as a foundational charter, and who continue to demand the state respond to their claims did and do not intend to police Indigenous difference.⁷¹ Indeed, these are important legal gains. Nor can we diminish the vital influence of Indigenous movements to challenge historical and ongoing oppressions by trying to hold the state accountable. But the discretionary ways Paraguayan state officials apply the law have radically violent effects; they upend the dreams of a democratic utopia that many Indigenous peoples and their allies held in the wake of the Stroessner regime. I want to be clear that I am not suggesting that the problem is merely one of getting the policy and law “right.” The problem lies in settler colonial appropriations of Indigenous lands and the racial capitalism that drives such processes.⁷²