

# PARAGUAY - Natives Attain Restitution of Lands

Gustavo Torres & Paulo López

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June 3rd 2014 – Congress approved the expropriation 14,404 Hectares in favor of the Sawhoyamaxa community of the Enxet nation.

The 21st of May added another historic day to the struggle of the Sawhoyamaxa community of the indigenous Enxet nation. That day the House of Representatives sanctioned the expropriation of law 14,404 Ha for the restitution of ancestral lands to the indigenous community in the region known as Loma Porã, the Western Region or the Chaco. The project had already been approved on in the Senate.

This decision arrived eight years after a ruling of the Inter-American Court of Human Rights (Corte-IDH) on March 29th 2006 which forced the Paraguayan government to return the land demanded by the community, which was occupied by the German landowner Heribert Roedel, within a period of three years. The verdict condemned the State on the violation of fundamental rights of the Sawhoyamaxa community, which lived more than two decades away from its ancestral lands. The same lands were also usurped by Roedel who ordered road construction and urban development programs as compensation.

Roedel arrived in Paraguay at the beginning of the Chaco colonization during the dictatorship of Alfredo Stroessner (1954-1989) and began to buy great spaces of lands with the inhabitants still intact. In 1991 he ordered the Sawhoyamaxa community—that in Enxet means “place where the coconuts end”—to abandon their lands because it would interfere with the land clearing labors for the intensive agribusiness production. The Enxet camped on the banks of the route, the only place where they could block at least a little construction.

The community leader Heriberto Ayala affirmed to Noticias Aliadas that, “In that era we didn’t have schooling. Now there are already some kids at least completing sixth grade. We have physical space fixed where the school is situated as is suitable.”

## Original inhabitants

The verdict of Corte-IDH was supported in the common law, before all judicial influence, on account of the indigenous peoples being here since before the very origin of the State. The ruling mentions that Paraguay violated, among others, the right to life, to community property, and to the indigenous self-jurisdiction.

Ayala also explained some cultural characteristics of his community. He specified that, “In actuality, we linguistically speak Guaraní, our own southern Enxet tongue, and we also comprehend Spanish. We are purely Chaqueños, this characterizes us as a Sawhoyamaxa community.”

He mentioned that the community solicited 14,400 of the 61,000 hectares that Roedel possessed in The Chaco. Furthermore, it’s noted that the same proprietor also possesses around 31,000 hectares, in the Naranjito region, in the central department of San Pedro.

“We have made it clear that this gentleman is also swindling his own countrymen in the negotiation of lands. It’s known that he has an arrest warrant in his native country, Germany, for defrauding of German investors”, he reported.

According to Ayala, this isn't the first time that an expropriation law has presented itself, rather it had already been done in 1997 and in 2009, but in both cases the Senate's Human Rights Commission ruled against Paraguay. Thus not allowing the State to carry out the (Corte IDH's) sentence.

"Why have the authorities waited for numbers of our brothers to fall in the process of this struggle?" Ayala asks. Including when, in the middle of the Corte-IDH's sentence, several people died of sicknesses which could have been treated or even cured. This situation was unleashed by the precarious life conditions that follow the dangers of being at the forefront of the struggle.

Ayala continued to expound with, "we carried on peacefully, exhausting all the administrative resources to restore our lands to us, but we couldn't wait any longer after twenty three years had passed. [In March of 2013] we had to break down the fences and enter our land. At least today the community counts on plantations and farms for personal consumption."

## Threats

Ayala recounts that following the re-entrance to some of their lands, the company contracted thugs to prowl the exterior of the lands, threatening to capture (or kidnap in this case) leaders and other members of the community.

He detailed that once the expropriation is carried out, 156 families will benefit. He relates that, "we have our own cemetery, along with the graves our brothers have left along the edge of the road during this twenty three year stake-out. Ever since the moment we re-entered our ancestral land we are once again able to practice our rituals and traditional customs."

The signals from Horacio Cartes' government don't show any generous reparation. Effectively, the listed goals of multiplying the production of soy and meat confirm the preferential option of the government will continue to be placing the activist designs before the rights of the rural and native population. Thus demonstrating, among other facts, the eviction carried out on the 20th of May in the Canindeyú region against the Y'apo community (of the avá-guaraní people), in the Corpus Christi district. According to the National Religious Coordination of Natives, part of the Paraguayan Episcopal Conference, their ancestral lands are now in hands of the ranching company Laguna S.A., from Brazil, which also asked to leave the land and whose lawyers accompanied the eviction with police coordination.

Ayala ended by stating: "Those who support the State's power structure hold in their hands the ability to deliver us the possibility of returning to our roots and cultural practices, as an indigenous people in search of a good life where our brothers can once again have lands where they can make their living."

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Translated by **Riley Pentico**, who is a student at Southern Utah University in the U.S. He is planning to graduate in 2015 with double degree in Business Administration and Spanish.

Source [Spanish]:

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