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Unsettling Territory: Indigenous Mobilizations, the Territorial Turn, and the Limits of Land Rights in the Paraguay-Brazil Borderlands

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The territorial turn in Latin America has resulted in the restitution of more than 200 million hectares of land to indigenous and Afro-descendant communities since the 1990s. While the territorial turn has resolved numerous indigenous land claims by legally demarcating collective property rights, title does not necessarily settle territorial disputes. Such is the case with the Kue Tuvy Aché community in the Paraguay-Brazil borderlands that successfully won collective title only to be confronted with (extra-)legal challenges to their hard-won land rights. Drawing from research with Kue Tuvy, secondary-source documents, and scholarship on territorial epistemologies from Latin American and Anglophone scholars, I analyze the grounded effects of territorial turn politics with attention to struggles that precede the turn and the unsettling conflicts that follow issuance of title. The paper shows how the territorial turn plays out in place, not merely as the product of neoliberal political economic reforms but as an articulated assemblage created through intersecting power struggles over the control of land and the possibility of more just futures. I argue that territorial assemblages are never finished, just as struggles for indigenous justice do not end with territorial restitution.

Keywords

Indigenous rights; land restitution; territoriality; assemblage; justice

Resumen

La vuelta territorial en América Latina ha resultado en la restitución de más de 200 millones de hectáreas de tierra a comunidades indígena y del descendiente Afro desde los años 1990. Aunque la vuelta territorial ha resuelto numerosas reclamaciones de comunidades indígenas demarcando legalmente derechos a la propiedad comunitario, el título no necesariamente resuelve disputas
territoriales. Tal es el caso de la comunidad Aché que se llama Kue Tuvy ubicada en la zona fronteriza Paraguay-Brasil que ganaron título colectivo sólo para confrontarse con desafíos (extra)legales a sus derechos de tierra. A partir de la investigación con Kue Tuvy, documentos de origen secundario, y debates sobre las epistemologías territoriales de academicos latinoamericanos y angloparlantes, analizo los efectos fundamentados de la política de la vuelta territorial con atención a las luchas que preceden la vuelta y los conflictos inquietantes que siguen la emisión del título. El ensayo muestra cómo la vuelta territorial lleva a su fin en el lugar, no simplemente como producto de reformas neoliberal, pero como un ensamblaje articulado creado a través de luchas por el poder que se cruzan sobre el control de la tierra y la posibilidad de un futuro más justo. Sostengo que los ensamblajes territoriales nunca son terminados, como las luchas por la justicia indígena no terminan con la restitución territorial.

Palabras claves
Derechos indígenas; restitución de tierras; territorialidad; ensamblaje; justicia

Introduction: Indigenous rights, territory, and land restitution

Indigenous peoples in Latin America are disproportionately impacted by inequalities in land distribution that plague the region (FAO 2017; Wily 2018). Not surprisingly, many contemporary indigenous political struggles in Latin America center on the formalization of territorial rights and collective property as restitution for dispossession. As a result of effective indigenous political mobilization, both regional courts and state governments have produced new jurisprudence and policies that bolster collective property rights for indigenous communities in Latin America (Gilbert 2016; Fuentes 2017). While indigenous territorial struggles are not new (Jackson and Warren 2005), recent trends in human rights activism and the effects of neoliberal political economic reforms have
spurred efforts to title at least 200 million hectares of land in the name of indigenous and Afro-descendant communities from Mexico to Argentina (Bryan 2012).

The formalization of indigenous and Afro-descendant land rights in Latin America has gained so much traction since the 1990s that this phenomenon has been called the territorial turn. As Offen (2003) defined it, the “territorial turn” refers to a specific historical conjuncture when Latin American States began extensively titling lands to indigenous and Afro-descendant communities. I do not refute the historical significance of the turn and the specific “political, legal, and economic transformations” the concept indexes (Bryan 2012, 216); but, I suggest that the effects of collective land titling that fall under the banner of the territorial turn cannot be fully understood without an analysis of historical factors that drive indigenous dispossession coupled with a consideration of the consequences of land restitution on indigenous socio-environmental justice.

Despite increased efforts to formalize indigenous land rights, there is often a disconnect between demarcation, titling, and state-support to protect indigenous communal property rights after titles are issued to communities (Bryan 2011; Kröger and Lander 2015; Hale and Millaman-Reinan 2018). All too frequently indigenous communities that have achieved formal property rights now face new threats to their territorial sovereignty (Tauli-Corpuz 2018)—the overarching concern of this paper. Through a grounded analysis of territorial turn politics in the Paraguay-Brazil borderlands, this article thus builds from scholarship that examines the limited capability of the territorial turn to alter colonial power relations reproduced through state-led land tenure formalization (see, e.g., Wainwright and Bryan 2009; Anthias 2018). I contribute to these debates by evaluating the limits and potential of territorial turn politics to shape de facto land security for indigenous communities during and after their struggles to settle land claims.

I draw from research with the Aché indigenous community Kue Tuvy that recently received formal property rights to a portion of their traditional territory from the Paraguayan state. The
community’s efforts to secure land rights spanned more than a decade, resulting in the formal
demarcation and title to a 4,600-hectare parcel of land in 2012. Although gaining title to Finca 470,
as the parcel is locally known, was arduous and often produced conflict with other actors,
community members anticipated a more peaceful existence after resolving disputes over land titling.
Instead, "settling" the territorial claim through the issuance of formal title has created new
unforeseen challenges. Community members must defend their territory from loggers, marijuana
producers, and landless campesinos who claim (extra-)legal rights to extract the resources contained
therein. Moreover, neighboring indigenous Guaraní communities also claim the land as their
traditional territory, forcing the Aché to reconcile with those demands. The challenges have ensured
that life after titling requires constant efforts to maintain the community’s land control (Peluso and
Lund 2013).

The dynamics of territorial turn as it has intersected with the Kue Tuvy struggles show that
securing land rights does not necessarily resolve territorial struggles, but often generates new conflicts.
Moreover, the Kue Tuvy case shows how the politics of the territorial turn play out in place, not
merely as state policy or as the result of pressures from neoliberal finance, but as an assemblage of
material practices and discourses (Moore 2005) advanced by indigenous communities that seek to
remake and maintain their traditional territories (Escobar 2008). Therefore, I argue that the work
needed to assemble territory—indigenous or otherwise—is never finished, just as the work to
articulate indigenous self-determination does not end with territorial restitution.

My analytical starting point is twofold. First, I think with Bryan’s (2012: 216) suggestion that
the territorial turn is an “inherently unfinished and incomplete” process that reproduces existing
socio-spatial orders rather than radically altering how power operates through territory. In other
words, juridical interpretations of territory open opportunities for rights-based claims while
simultaneously (de)limiting the ability of those claims to radically alter extant power relations
because property rights in land reaffirm the authority of the state to adjudicate those rights and who can claim them (see also Hale 2011; Blomley 2014). Second, I draw from scholarship that advances theorizations of territory as a relational assemblage (Moore 2005; Ogden 2011; Ulloa 2012), rather than reduce the concept to merely “state space” (Taylor 1994). Latin American geographers and critical social scientists have been at the fore of new debates about territorial epistemologies (Halvorsen 2018), often drawing from collaborations with social movements (Haesbaert 2004; Escobar 2008; Agnew and Oslender 2010; Zibechi 2012). Unfortunately, however, much Latin American scholarship is not widely engaged in the Anglophone academy. Thus, I build from the efforts of Sandoval et al. (2017) to bridge thinking between Latin American and Anglophone scholarship on territory. Specifically, I use Moore’s notion of “articulated assemblage” whereby he argues, “assemblages arrange provisionally, giving emergent force to contingent alignments of social relations, material substance and cultural meaning” (2005, 24) and Haesbaert’s theorization of multiterritoriality—“the possibility of having the simultaneous and/or successive experience of different territories and constantly reconstructing one” (2013, 34 my translation) to ask: 1) Under what conditions and how have the Aché (re)assembled Kue Tuvy as their territory vis-à-vis the politics of the territorial turn in Paraguay? 2) If land is seen as the cornerstone of justice, where does the land titling process lead indigenous communities that have successfully secured property rights?

The article begins with a discussion of the research methods followed by an elaboration of the theoretical and analytical framework. The subsequent case study draws from my research with the Aché of Kue Tuvy to show how community members appropriate space to create new territorial assemblages. Finally, I close with a discussion of the broader implications of this study to debates about the territorial turn and indigenous land rights in Latin America.

**Methods and Positionality**
I conducted the field research for this study during eight weeks between 2011-2013. Although I have worked extensively in Paraguay since 2006, I established a relationship with members of Kue Tuvy through an anthropologist who has long worked with the community. My initial research centered on the production of fair trade yerba mate for export to the United States and its impacts on Kue Tuvy. This paper, however, addresses the Kue Tuvy struggles for land rights. During my research, Aché efforts to secure land title were culminating and yerba mate production was subsidiary to the broader community concerns at the time, which focused on securing a space for collective wellbeing.

This paper is based on insights from twenty-seven key informant interviews. I conducted all interviews in Guaraní or Spanish, later transcribing and translating all data used in this paper. Key informant interviews were conducted with community leaders and persons indicated as central to the community’s struggles—both male and female. I employed a snowball sampling method, which relied upon the referral of new research participants by people who had already participated in the study. State officials from the National Institute for the Indigenous (INDI) and non-governmental organization representatives from Guyra Paraguay and Fundación Moises Bertoni (FMB) were contacted and invited to participate using publicly-available information, as were representatives of Yerba Mate Guayakí. Participant observation for the study included: living in Kue Tuvy for six weeks and accompanying community members in daily activities, investigating and reporting illegal logging, serving as an impromptu translator between community leaders and an Inter-American Development Bank (IDB) team investigating the community’s land tenure situation, working in the yerba mate plantation, and attending a major protest event with community members in Asunción, Paraguay. Data for this paper are also derived from state and NGO reports, news media accounts of the territorial struggles, and related legal proceedings.
The Aché have a long relationship with non-indigenous academics, state officials, non-governmental organizations, private businesses, and charity groups interested—for different reasons—in their communities. I do not claim universal knowledge of Aché livelihoods or their struggles and recognize the partial perspective from which I write this article. I am a non-indigenous male scholar from the United States and do not portend to author the single, authoritative account of Kue Tuvy territorial struggles. Aware of the coloniality of academic knowledge production (Robbins 2006; Radcliffe 2015), this paper instead seeks to draw attention to the ongoing struggles of the Kue Tuvy community whose members are engaged in efforts to maintain their territory as it remains under threat from illegal logging, violent land invasions, and the intensification of large-scale soy production in the region (Cardoso et al. 2017; Correia 2017). I hope to open a conversation about the specific ramifications of the land titling process and life thereafter in Paraguay that informs broader debates about the limits and possibilities of territory as a vehicle for indigenous justice in Latin America (Offen 2003; Ng’weno 2007; Bryan 2012; Mollett 2018).

Turning to territory: States, relations, assemblages

The territorial turn, as Offen (2003) framed it, is closely aligned with neoliberal multiculturalism and the ways that neoliberal political economic reforms in many Latin American states have advanced indigenous rights in previously unexpected ways (Hale 2004; 2011). Through the turn, the goals of seemingly incongruent actors, indigenous and Afro-descendant territorial movements on the one hand and neoliberal financial institutions like the World Bank on the other, momentarily aligned in such a way that numerous Latin American states changed stance to view collective property rights for indigenous and Afro-descendant communities as a viable governance strategy (see also, Wainwright and Bryan 2009; Bryan 2012). The “turn” thus marks a notable
political shift when many Latin American states began demarcating collective property rights to formalize the governance of spaces and populations that were previously excluded from formal governance mechanisms (Asher 2008; Anthias 2016). Constitutional reforms that enshrine indigenous land rights, such as in Colombia (Ng’weno 2007; Asher 2008), Bolivia (Anthias 2018), and Ecuador (Kröeger and Lander 2015), favorable decisions from international human rights courts that recognize collective indigenous property rights, as with Awas Tígni in Nicaragua (Wainwright and Bryan 2009), and the role of neoliberal financial institutions like the World Bank to influence territorial demarcation (Escobar 2008; Hale 2011; Mollett 2018) are hallmarks that fall under the valence of the territorial turn in Latin America. As I show later in the paper, Paraguay has all the trappings of a country that could be considered part of the territorial turn, but an examination of the grounded effects of the land titling process disrupts a neat narrative of the turn as merely a sweeping land titling initiative. The territorial turn is one moment in much longer timelines of struggles to create spaces for indigenous and Afro-descendant autonomies that seek to unsettle “colonial continuities” (Mollett 2018, 189).

Therefore, the dynamic nature of territory (Escobar 2008) requires analysts to ask how territory is assembled throughout the different temporalities of territorial struggles and with what effects on political subjectivity and the realization of rights. If territory should be understood as process (Painter 2009; Agnew and Osleander 2010) and the notion of a turn is characterized by the fact that it is “inherently unfinished” (Bryan 2012, 216), then it stands that territories are constantly changing per different forms of territoriality (Klauser 2012) whereby “power relations and historical sediments formatively shape contingent constellations that become materially and discursively consequential” (Moore 2005, 25). Evaluating the territorial turn as an assemblage situates indigenous struggles within a longer time horizon that teases apart how territory is articulated and (re)assembled over time in relation to changing social, political, and economic processes. As Li (2014) and Mollett
(2016) have argued with regard to land grabbing, the temporalities of indigenous struggles for land rights have deeply racialized histories that shape contemporary politics.

Two temporalities are particularly germane to my analysis. The first, is the evolution of cultural rights that hinge upon indigeneity as a vehicle to make specific claims for land, territory, and political inclusion within the state—what many refer to in the Latin American context as multiculturalism (Sieder 2002). The second is an historical process with a much longer time horizon—settler colonialism in Latin America (Castellanos 2017). The coloniality of land control in Latin America often pits indigenous communities in opposition with private landholders, extractive industries, and the state (Quijano 2000), placing an enormous burden of proof on communities who seek to legally reclaim portions of their traditional territories through the courts (OSJI 2017). A consideration of the temporalities that shaped the territorial turn and influence its effects in Paraguay shifts attention to territoriality and how territorial assemblages are drawn into being for specific political ends that seek to create what Ulloa (2011) calls “relational indigenous autonomies.”

Relational epistemologies beyond the spatial extent of state sovereignty

Debates about the territorial turn in Latin America track onto a broader critical turn in the discipline of geography concerning territory (Storey 2018). In the present article, I respond to Halvorsen’s (2018, 2) call to examine the “co-existence of multiple ideas and practices of territory” that reimagine the concept beyond “the spatial extent of state sovereignty” (Painter 2009: 1095) and Weberian political theory that ties territory to the modern geopolitical state (Elden 2013; Yeh 2013). In Anglophone scholarship, studies continually push thinking on territory beyond the frame of the state (Taylor 1994; Agnew 1994) to reconsider territory as a dynamic political technology (Elden 2010) that is processual (Sassen 2008; Bryan 2012), imbricated with other territories (Agnew and
Osleander 2011; Ballvé 2012; Baletti 2012), and created through everyday practices informed by diverse territorial epistemologies, particularly with regard to social movements in Latin America (Rocheleau and Roth 2007; Asher 2009; Mollett 2013; Halvorsen 2018). Other scholars reveal the limits of Weberian notions of territory by investigating epistemological conflicts that arise through land demarcation and mapping (Wainwright and Bryan 2009; Bryan 2011; Sletto 2016), showing that the potential of state-recognized territory to create social justice is fundamentally constrained by the latent coloniality of the current geopolitical state system and structure of liberal rights (Anthias 2018).

While debates about territory in Anglophone scholarship increasingly engage with relational epistemologies (Rocheleau and Roth 2007; Ogden 2011), scholars in and from Latin America have been theorizing territory beyond the frame of the state for quite some time (Leff 2000; Porto-Gonçalves 2001; Haesbaert 2004; Fernandes 2005; Escobar 2008). Zibechi’s work with Latin American social movements is exemplary, whereby he argues that territory is “the space in which to build a new social organization collectively, where new subjects take shape and materially and symbolically appropriate their space” (2012: 19). Instead of constraining territory to nation-state sovereignty, it is therefore conceived as “consisting of the ensemble of mediated relationships of individuals or social groups to exteriority and alterity, on different social, spatial, and temporal scales” (Klauser 2012, 110). The question of temporal scale is key to my suggestion that the territorial turn is inextricably situated within a longer time horizon of indigenous struggles. Engaging with concepts of relationality instead of a central focus on the state (Porto-Gonçalves 2009; Zibechi 2012; Ulloa 2012), much Latin American scholarship critically evaluates how territory is put to work and with what ends that work is being done (Haesbaert 2004; Escobar 2008; Porto-Gonçalves 2006; Zibechi 2012; Sandoval et al. 2017; Halvorsen 2018). Rather than abandoning Anglophone theorizations of territory as state space, it is a method of thinking territory “otherwise” (Escobar
reveals the entangled political strategies of different actors struggling over spaces for collective social organization that takes “seriously diverse epistemologies grounded in their historical-geographical context” (Halvorsen 2018: 2-4).

Many indigenous movements convey conceptions of territory as a space where historical and contemporary relations between human and non-human actors are rooted (Castree 2004; Rocheleau and Roth 2007). Rootedness, in this sense, does not infer that indigeneity is defined by a static relationship to, or in, place (e.g., Basso 1996). Instead, rootedness highlights the importance of emplaced collective social organization to many indigenous struggles (Larsen and Johnston 2017)—a sense of place that is “progressive” (Massey 1994), where political subjectivity and power relations are situated but always enrolled in processes of change (Gordillo 2011). Reimagining territory as a relational epistemology opens a broader conversation about the multiple meanings and layered histories that create articulated territorial assemblages (Moore 2005; Ogden 2011), thus rendering the work that territorial turn does more available for critical reflection (Li 2014, 590).

Territory, understood as an assemblage, is not simply the sum of parts assembled together (Sassen 2006); it is a relational concept that is always in a process of becoming through its intersections with different material and discursive practices (Ogden 2011; Ulloa 2012). As Ogden shows through an ethnography of alligator hunters in the Florida Everglades and the dynamic socio-ecological processes at play there, territories are in constant flux as are the assemblages that constitute them (see also Davis 2017). In the following pages, I think with territory as an “articulated assemblage” (Moore 2005, 25) where disparate actors struggle over the ability to appropriate space for distinct life projects, struggles that shape Aché efforts to regain and maintain control over Kue Tuyu. Attention to articulated assemblages shows that the turn to territory is not only unfinished but that “settling” indigenous land claims through titling does not necessarily further de facto rights to political autonomy.
Settling and unsettling territorial assemblages

Borderland geographies are good sites to think critically about territoriality and the construction of territorial assemblages. A country’s territory is ostensibly rendered most visible through the fences, signage, and state officials that demarcate its international borders (Delaney 2005). Yet borderlands are often sites where territorialities imbricate (Haesbaert 2013, 38), contested sovereignties emerge (Agnew and Oslender 2010), and the salience of territory as a fixed “container” (Newman 2010) is quickly challenged. People, contraband, and drugs regularly flow across these borderlands, ensuring that sovereignty is never clearly defined (Haesbaert 2013) but often contested through violent conflict or the barrel of a gun (Quiroga and Ayala 2015). This is also a region of major narco-trafficking activity, soybean production, and contraband transport, particularly illegally-harvested lumber (Cardozo et al. 2016). Collectively, these activities challenge normative notions of territory as settled space (Delaney 2005). I introduce the Kue Tuvy case study with these points to briefly depict the dynamic context in which Aché have struggled to assemble, and continue to defend, the community’s territory.

Kue Tuvy lies about 35 kilometers from the Paraguay-Brazil border in the administrative department Canindeyú, an area that has undergone radical territorial, social, and environmental changes since the 1960s. This frontier region was central to former dictator Alfredo Stroessner’s efforts to colonize the Paraguayan borderlands with campesino families who would help drive national development through agriculture (Cardozo et al. 2016). Before the mid-20th Century colonization of the area, Aché communities lived traditional lifestyles as forest-based hunter-gathering groups (Hill and Hurtado 1996). The colonization of the Paraguay-Brazil borderlands and establishment of cattle ranches, cotton fields, and soy plantations drove Aché dispossession. From
the 1960s through the early 1980s, Aché suffered from widespread contact-related epidemics, violent encounters with colonists, and radical social transformations (Clastres 1972; Hill 2013; Hauck 2016). During that time, many Aché were either forced or coerced to leave the forest and settle on state-backed reservations to ensure the unfettered expansion of extractive industries. Based on the fact that the Stroessner administration paid little attention to the alarming rates of Aché peoples who died while under the care of state-sponsored reservations (Hill 2013), activist anthropologists asserted that Paraguay lead a “de facto policy of destruction of native peoples and their way of life” (Reed and Renshaw 2012: 1) and charged the state with genocide in international courts (Münzel 1973; Hill 2013). Despite the charges, independent investigators did not determine there was a “systemic and intentional” state-sponsored effort to eradicate the Aché (Hill 2013: 264). The charges were dismissed (Horst 2007).

Although the Paraguayan state was never found guilty, the genocide charges fomented international pressure for reforms to ensure indigenous rights in Paraguayan law (Horst 2007). Subsequently, lawmakers passed Law 904, the Indigenous Communities Statute, in 1981. Law 904 outlined specific rights for indigenous communities, the creation of INDI to adjudicate indigenous affairs, and a legal mechanism to legally recognize indigenous communities and potentially restitute land to them. In 1992, indigenous land rights were codified in the National Constitution and Law 234 in 1993 that ratified the International Labor Organization Convention 169 on the Rights of Tribal and Indigenous Peoples. These legal reforms map onto the broader turn toward neoliberal multiculturalism (Hale 2011) that provided the procedural and juridical means that the Aché have used throughout their struggles to reassemble territory by appropriating Finca 470 through strategic territorializations.

*Settling: Kue Tuyu and the Finca 470*
In the wake of the agrarian reforms, Chupa Pou was the primary reservation for the Northern Aché (Hauck, 2016). Members of Kue Tuvy lived in Chupa Pou until an internal conflict over resource management in 2000 divided the community; a dominant group of community members permitted non-indigenous colonizers to log portions of the 10,000-hectare reserve and export the timber across the border into Brazil. The Kue Tuvy Aché raised concerns about the sustainability of the logging because the practice directly threatened their hunting and foraging grounds. Over thirty Aché families subsequently decided to leave Chupa Pou and establish a new community in the last densely forested area that remains within their traditional territory.

The families moved just south of the Mbaracayu Forest Reserve (MFR) with the intent of establishing Kue Tuvy on a 4,600-hectare parcel of land denominated in the state cadaster as Finca 470. Finca 470 abuts the southern boundary of the 64,500-hectare MFR reserve. MFR is the last large, contiguous expanse of Interior-Atlantic Forest in Paraguay and where Northern Aché peoples lived until resettlement (Reed 1990). Community members chose to reclaim Finca 470 in large part because it would provide direct access to MFR (Padwe 2001; Hill 2013). With the aid of two U.S.-based anthropologists who have worked closely with the Aché since the 1970s, Kue Tuvy petitioned the Paraguayan state in 2000 to officially recognize the community and begin the land restitution process (Hill n.d.). On 8 January 2002, state officials gave the community legal permission to settle, but not control the title to, Finca 470 with the condition that community members would not log more than five percent of the land and agree to help patrol MFB as forest rangers.

Rather than “empty spaces” (Hale 2011), the area of Finca 470 has long been a site of human occupation and multiterritoriality (Haesbaert 2013). Aché, Mbya, and Guaraní indigenous groups have occupied this area for ages (Hauck 2016). Furthermore, the region has long been transited by non-indigenous colonizations that started with the burgeoning yerba mate trade in the
mid-1500s that supported Spanish-run mines in the Andes (Reed 1995). More recently, the Paraguayan state sold vast expanses of its national territory to finance debts incurred during the Triple Alliance War of 1864-1867 (Reed and Renshaw 2012). As a result, the Argentine company La Industrial Paraguay purchased nearly 27,000+ km² of land in the early 1900s (Richards 2011, 348) that, in the mid-1900s were sub-divided and sold to private investors. The Paraguayan Ministry of Public Works (MOPC) purchased Finca 470 in 2002 to comply with a 1996 IDB loan that paid for the construction of a highway that runs through the Northern Aché’s traditional territory. The terms of the IDB loan required that Paraguay acquire 11,000 hectares to “improve land ownership and services for indigenous communities” (IDB 1996: 3) to promote social and environmental justice for impacted communities. Despite the requisites of the loan and having awarded Kue Tuvy rights to settle on Finca 470, state officials denied transferring property title to the community for over a decade.

During that time, Aché peoples began working with a consortium of NGOs and academics who sought to purchase Finca 470 with the intention of creating an “indigenous forest reserve” (Hill 2013: 265). However, the community’s strategy changed in 2011 when MOPC transferred Finca 470 to the Ministry of Environment (SEAM), opening the possibility of expropriation. Kue Tuvy thus demanded expropriation, arguing it was their legal right and that land restitution would adhere to the conditions of the IDB loan. The Aché and their allies argued that land restitution was warranted because Finca 470 lies within the Northern Aché traditional territory (Hill and Hurtado 1996), land restitution could assuage dispossession-related violence Aché have long experienced, and Kue Tuvy could serve to help protect the remaining Interior Atlantic Forest within the MFR (Birdlife 2011).

Indeed, members of Kue Tuvy had been working alongside the environmental NGOs Guyra Paraguay, Birdlife, and FMB to implement a forest management plan supported by Conservation International. Through this plan, Aché men patrolled the MFR as forest rangers to protect park
resources from illegal logging and marijuana production (Birdlife 2011). Furthermore, after reoccupying Finca 470, Kue Tuvy formalized a relationship with the U.S.-based company Yerba Mate Guayaki to produce fair-trade certified shade-grown yerba mate for export. Collectively, these acts discursively constructed the Kue Tuvy Aché as “forest guardians” (Forsyth and Walker 2008) distinct from other indigenous communities in the area, and ostensibly warranting the requested land restitution.

Citizenship and social value are closely associated with agrarian political economy in Paraguay (Hetherington 2010). Thus, yerba mate production and work as forest rangers in MFR have played a significant role in helping the Kue Tuvy Aché cultivate a reputation for environmental stewardship that bridges agrarian political economy with normative tropes that all indigenous peoples are guardians of nature (Starn 2011). As the Director of Guyra Paraguay once stated, Kue Tuvy “celebrates life through the wise use of natural resources, and teaches the whole country and the world that development can only be possible if we link it with biodiversity conservation” (Birdlife 2011 my emphasis). I saw this discourse in practice when the Kue Tuvy community was in the throes of a month-long protest in Paraguay’s capital Asunción.

Over 100 people were camped out under plastic tarps on the sidewalk in front of SEAM demanding the government grant collective property rights to the community. A man from Kue Tuvy took me to the median of the road that passed the SEAM office and the haphazard tarp encampment where he showed me some yerba mate seedlings community members had planted. The seedlings, he stated, “show that we care about nature and that we work well. We are not like some other indigenous who don’t want to work. We work hard and we care for the environment. We planted the yerba here so they [government officials] would not forget us when we leave” (Excerpt from fieldnotes, April 2011). Community members argued that producing a high-quality agricultural product for international export while advancing goals of “market-driven [forest]
regeneration” (Guayaki n.d.) bolstered their land claim. The yerba mate seedlings intended to represent the labor and organization of Kue Tuvy and its resolve to care for the environment, potent symbols the community had literally cultivated through years of hard work to reclaim Finca 470 by assembling strategic political alliances in and through territory.

The Kue Tuvy Aché built a strong case for restitution through territoriality by “attempting to enforce control over a geographic area” and subsequently affect, influence, or control actions and interactions (of people, things, and relationships)” in a specific space (Sack 1983, 55). By asserting and assembling political alliances with diverse actors, the Aché and their allies each played a key part in drawing together different practices, discourses, and funding sources that served to discursively territorialize Finca 470 as the material space for Aché self-determination. The relations between these elements and actors collectively created the conditions whereby Finca 470 returned to Aché control in 2012 as a new territorial assemblage now formally recognized as Kue Tuvy.

*Unsettling Territory: Multiterritorialities*

Aché reterritorializations have not been without contestation. Since initiating their land claim and receiving title, numerous actors threaten to literally unsettle the Aché through legal and extra-legal claims to Finca 470. I will briefly discuss some of the most pressing challenges to date—Guaraní indigenous territorial claims and land invasions by non-indigenous peoples.

Just as the Paraguay-Brazil borderlands are a contemporary zone of interconnection and exchange, the region was an historically complex cultural mosaic (Renshaw and Reed 1991) occupied by Aché, Guaraní, and Mbya indigenous peoples whose hunting and foraging livelihoods derived from mobility. Clastres’ studies with Aché peoples in the 1960s (Clastres 1972) and Hill and Hurtado’s (1996) more recent work suggest that Aché and Guaraní territories were not discreetly
bound, but dynamic over large areas. The Aché claim is widely supported by many ethnographic studies (Clastres 1972; Hill and Hurtado 1996; Hauck 2016). Nevertheless, the Guaraní argue that the Aché efforts to resettle Finca 470 are legally baseless because they contend that the area is Guaraní ancestral territory (SAI 2011). Rather than a question of overlapping territories (Agnew and Oselender 2010), the historical connections that Aché and Guaraní peoples share with this area evoke Haesbaert’s (2013) notion of multiterritorialites that complicate the reduction of dynamic socio-spatial-temporal relations to settled territories fixed in space (Fernandes 2005; Bryan 2011; Sletto 2013).

Despite the Guaraní claim, the Paraguayan Senate voted in favor of expropriating Finca 470 to the Aché in 2011. Kue Tuvy then gave the Guaraní permission to establish a community on a portion of the land, recognizing their shared need for territory. However, the Guaraní maintained, and still do, their claim and mobilized resources to lobby state officials to oppose the Aché. Then acting President, Fernando Lugo, consequently vetoed the law of expropriation that had favored the Aché. The conflict between the Guaraní and the Aché over Finca 470 shows how territory has meanings created in and through expressions of power to create collective social organizations in space (Delaney 2005, 16-17), bringing to light how the territorial turn intersects with historical struggles and contemporary politics that (re)assemble socio-spatial relations vis-à-vis the reduction of those relations to land title.

I want to be clear, however, that I am not suggesting the Aché claim to Finca 470 is spurious. Rather, the case illustrates how rooted networks of political alliances are used to mobilize the different knowledge practices needed to create territorial assemblages (Rocheleau and Roth 2007). The Kue Tuvy Aché have been extremely successful at cultivating such networks, which ultimately supports their contemporary efforts to assemble territory within their traditional lifeways. Aché peoples with their allies were able to mobilize a wide variety of resources necessary to translate
complex historical and contemporary socio-spatial practices to simplified legal land claims. The Aché and their allies crafted a concept of territory amenable to the state and legible to its legal norms in what Star (2010) would refer to as a “boundary object” by utilizing scientifically-grounded cultural ecological studies, political mobilizations, and compelling legal argumentation to assemble a coherent territorial assemblage. Through these territorial practices, the Aché ultimately persuaded the Paraguayan Senate to overturn Lugo’s veto and expropriate the land to Kue Tuvy in 2012.

Vexingly, however, the formalization of land rights has led to more overlapping claims that perpetuate conflicts driven by competing territorialities. Since the Aché first legally reoccupied Finca 470 they have been in a near continuous state of conflict with non-indigenous peoples who either physically claim large portions of the community's land, illegally extract timber to smuggle across the border into Brazil, or establish marijuana plantations (Scapini 2016). While Stroessner-era agrarian reforms were purportedly intended to distribute land to Paraguayan campesinos and settle issues of land inequality (Hetherington 2011), those reforms opened the Paraguay-Brazil border to Brazilian farmers (Glauser 2009), many of which have become the contemporary Brasiguayos (Blanc 2015) that changed this region into one of the most productive soybean producing areas in South America (Correia 2017). The expansion of large-scale soy production has undermined the traditional campesino agrarian political economy and driven dispossession (Ezquerro 2016). Consequently, Finca 470 lies in the heart of one of the most politically volatile regions of Paraguay where extreme land inequality has created the conditions for numerous conflicts, such as the 2012 Curuguaty Massacre that occurred less than 20 km from Kue Tuvy (Correia 2017).

Landless campesinos have constantly challenged Aché land rights and frequently invade Kue Tuvy, claiming that the land was illegally expropriated and that campesinos have rights to the Finca under the agrarian statute (UltimaHora 2012a; La Nación 2018). State officials are plainly aware of these threats to Kue Tuvy, yet they do little to enforce the community’s property rights, leaving the
defense of the land in the community’s hands which requires constant vigilance (UltimaHora 2012b; UltimaHora 2013). While most of the confrontations to defend Kue Tuvy do not result in physical violence, one Aché forest ranger, Bruno Chevugi, was assassinated while he patrolled the MFR in 2013 (ABC Color 2013), underscoring the significance of the threat to Aché sovereignty. These conflicts are not only disturbing, but suggest that titling does not necessarily settle territory.

Concluding thoughts: Where to turn?

In this paper, I have tried to show how Aché struggles for land precede, follow, and are shaped by the territorial turn (Offen 2003). My discussion of the community’s efforts follows strategies to appropriate Finca 470 and settle the Aché land claim through material and discursive practices that (re)produce the land as Kue Tuvy—an Aché territorial assemblage. The struggle for Kue Tuvy could be read as a quintessential case of the territorial turn. International neoliberal financial institutions pressured Paraguay to restitute land as a socio-environmental offset in exchange for loans to develop infrastructure that would facilitate regional integration and the agro-export industry. At the same time, national environmental NGOs and a transnational company sought to promote an image of the Aché as environmental stewards who produce a socially and ecologically responsible product that supports “market-driven regeneration” in addition to their own efforts to patrol the MFR. In other words, the relationship of material and discursive practices that conditioned the Aché struggles for land rights closely map onto common themes that emerge in analyses of the territorial turn in Latin America (Offen 2003; N’gweno 2007; Hale 2011; Bryan 2012). Yet to end the analysis at the territorial turn would truncate the complexity, and temporalities, of the Aché struggles thus occluding the challenges of life after land title.
In the process of examining struggles over the legalization and formalization of Aché land rights, I showed that the territorial turn does not end with title nor do the challenges to create spaces of self-determination after “settling” land claims. The territorial turn set into motion an emancipatory potential to resolve historical dispossessions through formal land rights that have, in practice, created new challenges. I am suggesting that the temporality of the territorial turn extends beyond the view of the turn as solely an historical conjuncture (Offen 2003) because the territorialities engendered by the turn in Kue Tuvy are yet unresolved. Gaining collective property rights was a monumental achievement for Kue Tuvy and one that has opened opportunities and benefits that I have not discussed in this paper. Instead, I chose to focus on the challenges of titling and life after title because they are pressing concerns that threaten to unsettle Kue Tuvy territory and all the work the community has done to advance their goals of self-determination.

Whereas territory can be understood as the settling and fixing of socio-spatial relations, I think a focus on territoriality is better suited to capture the effects of the territorial turn in place. Moreover, a focus on territorial assemblages considers the territorial turn as but one moment within a much longer time horizon of indigenous struggles for self-determination, something that asks scholars to consider the different temporalities, scales, and processes that influence the direction and impacts of the territorial turn in specific sites. Drawing from the Kue Tuvy case, I suggested that the territorial turn is unfinished insofar as territory cannot be understood as the resolution of conflict. While territory and collective property rights are extremely important measures of reparations and restitution, territory and rights alone do not radically reshape the political economic and racialized factors that drive dispossession. Having a secure space for collective social organization is undeniably necessary for self-determination and any possibilities for decolonial futures. Perhaps thinking with territorial assemblages can help critical scholars rethink the possibilities and limits of territory as a vehicle for social justice. The challenge for each of us that seeks to support such
struggles is to understand better how to overcome the limits of land title and the engender the potential of indigenous relational autonomies rooted in territories but not determined by them, something that will require collective solidarity, thinking *with* the grounded practices of social struggles, and continued effort to achieve.

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Blackman et al. (2017) suggest that 100 million hectares of forest lands have been titled to indigenous communities.

2 I evoke a dual notion of settling: first, with regard to resolving the claims and second, with regard to debates about how land demarcation fixes territories as cartesian space to create stable spaces amenable to state governance (Wainwright 2008).

3 The protest occurred in April 2011 and is when I first met community members in person.

4 This section of the paper is informed by my primary field research—drawing from structured interviews, informal conversations, and participant observation—and data from secondary source materials.

5 For a more complete history of the Aché genocide, see Reed and Renshaw (2012) and Hill (2013).

6 There are four recognized groups of Aché: Northern, Yvytyruzu, Ypety, and the Ñacunday (Hill and Hurtado 1996).
This is a common trope used often used to undermine indigenous land rights in Paraguay, but is most commonly articulated by non-indigenous peoples about indigenous peoples (ABC 2012b).