



Review of the Indigenous Peoples Program in Paraguay managed by Rainforest Foundation Norway

Norwegian Agency for Development Cooperation

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Final Report



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managed by RFN

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Abbreviations and Acronyms

ACIDI	Asociación de Comunidades Mbya-Guarani de Itapúa
AECID	Agencia Española de Cooperación Internacional para el Desarrollo
CAPI	Coordination for the Self-determination of Indigenous Peoples
CLIBCH	Indigenous Leaders Organization of Bajo Chaco
CIPAE	Committee of Churches for Emergency Aid
CODEHUPY	Coordinadora de Derechos Humanos Paraguay
DAC	Development Assistance Committee
FAFO	Institute for Labour and Social Research
FIAN	FoodFirst Information and Action Network
GACII	Grupo de Acompañamiento a Comunidades Indígenas – Itapúa
GAT	Gente, Ambiente y Territorio
IA Court HR	Inter-American Court of Human Rights
IACHR	Inter-American Commission of Human Rights
INDI	Paraguayan Institute for Indigenous Affairs
IA	Iniciativa Amotocodie
ICCO	Inter Church Organization for Development Cooperation
ILO	International Labour Organization
IO	Indigenous Organization/s
IPOs	Indigenous Peoples’ Organizations
INDERT	Instituto Nacional para el Desarrollo Rural y de la Tierra
NNE	Nengvaanemkeskama Nempayvaam Enlhet (research group)
NGO	Non Governmental Organization
OPIT	Organización Payipie Ichadie Totobiegosode
PCI	Pro Comunidades Indígenas
PLRA	Partido Liberal Radical Aauténtico
RFN	Rainforest Foundation Norway
SAI	Servicio de Apoyo al Indígena
SEAM	Secretariat for the Environment
TOR	Terms of Reference
UNAP	Unión de Nativos Ayoreo de Paraguay
UNDP	United Nations Development Programme

Executive Summary

The Norwegian Program for Indigenous Peoples has been supporting pro indigenous NGO and indigenous organizations' projects since the end of the 1980s. As far as could be ascertained by the review team, the support to indigenous peoples in Paraguay started in the 1990s through the NGOs SAI and PCI. In 2006, Norad transferred the administrative and technical follow up responsibility of the programs in Peru and Paraguay to Rainforest Foundation Norway (RFN). The current cooperation agreement Norad-RFN for the period 2008-2012 is inclusive of the support to indigenous peoples in Peru and Paraguay. The budget for the two programs of direct support to indigenous peoples in Peru and Paraguay for the period 2008-2012 is NOK 12,5 million per year, of which NOK 4.7 million were allocated to Paraguay in 2009. The program in Paraguay has grown from four NGO counterparts in 2006 to 12 counterparts in 2010, both NGOs and indigenous organizations.

Norad hired Scanteam to carry out a review of the program for indigenous peoples in Paraguay between October and December 2010. The review was carried out by a Scanteam consultant and a local consultant from Paraguay. The field work in Paraguay was conducted during 18-29 October.

According to the Terms of Reference (TOR), "The purpose of the review is to examine to what extent RFN through the Indigenous Peoples Program has achieved *results* (outcome and, if possible, likelihood of achieving impact) according to agreed program plans, and to assess the *value added* of RFN to the program in Paraguay. The review will also inform Norad's and RFN's decision on whether and how to continue the program in Paraguay." The TOR also asked the team to assess the following aspects of the program: (i) effectiveness; (ii) relevance; (iii) sustainability; (iv) efficiency; (v) valued added of RFN; (vi) Monitoring and Evaluation system/ mechanisms; (vii) Risk management by RFN and partners; (viii) Anti-corruption measures.

Conclusions

1. The Program for Indigenous Peoples in Paraguay, supported by Norad and administered and followed up by RFN since 2006, has been highly relevant to the needs and vision of the indigenous peoples and organizations, particularly regarding recuperation and protection (legal assurance) of their ancestral territories. The program is also very relevant to the country's own process to achieve democratic development with equity and dignity for all citizens.
2. The program has been effective in strengthening the capacity and competence of indigenous organizations, particularly in the last five years. Some of the indigenous umbrella organizations are now able to be effective advocates of indigenous peoples' rights vis-à-vis the State. The program has contributed to the legal success of territorial claims of indigenous communities in the Chaco regions and in the Itapúa province, as well as to the efforts by two counterparts to take three cases to the Inter-American Court of Human Rights, which culminated in three sentences against the State handed down by the Court for rights' violations of three indigenous communities in El Chaco. It has also contributed to the promotion and recuperation of cultural identity, leadership training and capacity development, and to significant

advances in indigenous bilingual education and indigenous teachers' training, the latter especially in the eastern part of the country.

3. Rainforest Foundation has contributed since 2006 with a friendly but professional dialogue process with the twelve counterparts of the program. In particular, RFN has **added value** regarding (i) better planning instruments and provision of training in planning by results; (ii) good monitoring routines and instruments for submitting applications, narrative and financial reports, annual work plans, etc.; (iii) the modality of three-way contracts, where indigenous organizations are also signing counterparts and in some cases are able to receive direct funding, is positive and creates trust among the parties; (iv) it has established direct dialogue with pertinent state institutions such as INDI and SEAM, a process that gives visibility to the program at the national level and at the same time RFN is aware of the point of view of the Government; it also serves as a bridge of communication between counterparts and INDI/SEAM, and adds legitimacy to their work. Overall, almost all counterparts in Paraguay are satisfied with the administrative and technical follow up performance of RFN. Some, however, identified a problem with communication in general. A few expressed that RFN's technical monitoring and follow up system should include in-depth discussions on the content, process and results at the project level.
4. In spite of the positive program results, and the significant advances in capacity and competence by indigenous organizations, the current Paraguayan context still presents high risks for a program that promotes indigenous peoples' rights. There are several external factors (e.g., hostile judiciary and congress, powerful interest groups who are completely opposed to the territorial rights and life vision of indigenous peoples, weak government, etc.) that could in the near future be stumbling blocks for new achievements or even inhibit the positive effects that the program has had so far. As this program is essentially about strengthening the capacity of indigenous organizations to be credible advocates of indigenous peoples' rights, there is a need to incorporate a discussion on risk identification and management in the planning process.

Recommendations

1. **Norad should continue the program for indigenous peoples in Paraguay through the current agreement period with RFN (through 2012), and possibly beyond the current commitment.** The reasons for this are: (i) this is a program that has been effective in contributing to the strengthening of the capacity and competence of emerging and credible indigenous organizations in the country; (ii) the program has had tangible results in territorial restitution/ recovery for indigenous communities, protection of isolated groups, and also in the promotion of cultural identity and indigenous education; (iii) the positive outcomes achieved so far through the program are not completely consolidated, and the indigenous peoples and their organizations, being minorities, will continue to face a hostile environment in the near future; and (iv) the process to achieve full respect of indigenous peoples' rights is a long term one.

Although, based on the above reasoning and current findings, the review team believes that this support model for indigenous peoples in Paraguay is good and should be continued after 2012, a final review/evaluation (in 2012) should re-evaluate the situation and results, and give recommendations on whether and how to continue the program.

2. **Norad and RFN should maintain the number of counterparts as is, and the current partner configuration of NGO and corresponding indigenous organization should also be maintained.** There are several reasons for this: (i) The modality introduced by RFN since 2006, pairing an NGO with an indigenous organization, has worked well and has contributed to increased competence and capacity of indigenous organizations in the last five years. The indigenous organizations themselves are satisfied with this arrangement because they have benefited from the expertise and advice of the NGO staff, particularly on legal matters, and at the same time have gradually increased their management and administrative capacity; (ii) the three-way annual contracts (RFN-NGO-IO) gave indigenous organizations both rights and responsibilities towards the program, and a sense of belonging to a serious effort and process; (iii) even though there are positive results at project level and outcomes at program level, the long term objective of consolidating the capacity and competence of indigenous organizations has not been fully achieved; (iv) although this program supports only a small group of indigenous organizations in Paraguay, this group of indigenous organizations is one of the most representative and credible in the country; and (v) given that very few donors support the theme of indigenous peoples' rights in Paraguay, the support from Norad/RFN is very important to all counterparts.
3. **RFN should improve the process and methods of communication and exchange with the counterparts, so that the dialogue is of mutual benefit.** In particular, the monitoring visits to Paraguay, to the extent possible, should include substantive conversations on the content and results of each counterpart's project, in addition to discussions on the administrative and monitoring requirements of the contract.
4. **RFN and Counterpart organizations in Paraguay should, towards the end of each year, conduct a joint analysis of the national and regional context and the risks faced by the program and projects, including a practical plan on how to manage/ mitigate these risks.** In addition, each counterpart should include in its annual application and work plan a short analysis of the risks/ external factors for project implementation in the local area, and a discussion on how these identified risks will be managed/ mitigated.

1 Introduction

1.1 Background

The Norwegian Program for Indigenous Peoples has been supporting pro indigenous NGO and indigenous organizations' projects in several countries since 1983. As far as could be ascertained by the review team, the support to indigenous peoples in Paraguay started in the 1990s through the NGOs SAI and PCI. In 2005, Norad assessed the possibility of transferring the administrative and technical follow up responsibility of the programs in Peru and Paraguay to Rainforest Foundation Norway (RFN). After discussions with RFN, an addendum to the framework cooperation agreement (2003-2007) was signed in January 2006. Thus, Rainforest Foundation assumed the responsibility to manage and follow up these two programs from 2006. An additional NOK 7 million were added to the budget for the period 2006-2007, as part of the signed Addendum. The current cooperation agreement Norad-RFN for the period 2008-2012 is inclusive of the support to indigenous peoples in Peru and Paraguay. In RFN's program document/ application 2008-2012, the program is called "Program 1b: Direct support to indigenous peoples in Peru and Paraguay". The budget for the two programs of direct support to indigenous peoples in Peru and Paraguay for the period 2008-2012 is NOK 12,5 million per year, of which NOK 4.7 million were allocated to Paraguay in 2009.¹ The program in Paraguay has grown from four NGO counterparts in 2006 to 12 counterparts in 2010, both NGOs and indigenous organizations.

This review focuses on the results of the program for indigenous peoples in Paraguay. Although several counterparts have been supported by Norad in Paraguay since the 1990s and particularly since 2000, the results of the program for indigenous peoples in Paraguay had not been externally reviewed or evaluated before this review. This review was carried out by a consultant from Scanteam, as team leader, and a local consultant hired by Scanteam. The field work of the review took place in Paraguay from 18-29 October 2010.

1.2 Purpose of the Review

According to the Terms of Reference (TOR), "The purpose of the review is to examine to what extent RFN through the Indigenous Peoples Program has achieved *results* (outcome and, if possible, likelihood of achieving impact) according to agreed program plans, and to assess the *value added* of RFN to the program in Paraguay. The review will also inform Norad's and RFN's decision on whether and how to continue the program in Paraguay."

1.3 Scope of Work

The TOR also asks the review team to assess related aspects of the program using DAC criteria for evaluation, namely: (i) effectiveness; (ii) relevance; (iii) sustainability; (iv) efficiency; (v) value added of RFN; (vi) Monitoring and Evaluation system/ mechanisms;

¹ According to RFN's accounting data, the program's budget in Paraguay went from NOK 3.32 million in 2006 with four partners to NOK 4,7 million in 2009 with 12 partners.

(vii) Risk management by RFN and partners; (viii) Anti-corruption measures. Please see Annex A Terms of Reference for full version of TOR and review questions.

1.4 Methodology

The review team used the following methods to collect data before and during the field work phase in Paraguay.

Preparation phase: (i) review of relevant documents in Norway and (ii) interviews of key persons at Norad and RFN conducted.

Field work phase:

- (i) Additional document review conducted, as complementary documents were provided by counterparts (tri-partite agreements, specific project work plans, publications produced, etc.);
- (ii) Collective meetings with counterparts in Asunción and Filadelfia (Chaco) to present and discuss the review's objectives, two-week Agenda and process/methodology;
- (iii) Individual interviews, using a flexible interview guide, with each of the 12 counterparts (both NGO and indigenous organizations), in Asunción and Filadelfia, Chaco, and Amambay/ Canindeyu;
- (iv) Visits to five indigenous communities, beneficiaries of the program, including flexible group meetings/ open-ended interviews/ dialogue with community members, leaders of community associations and women's commissions. The five indigenous communities visited are located in the western provinces of Alto Paraguay and Presidente Hayes (Chaco), and the eastern provinces of Amambay and Canindeju;
- (v) Interviews with independent observers in Asunción and Filadelfia;
- (vi) Interviews with relevant government institutions, such as INDI; and
- (vii) Presentation/ discussion of the review's preliminary findings and conclusions to counterparts, in Asunción.

It is important to note that even with only two weeks of field work in Paraguay, the team used the twelve days available to travel more than 2.000 km by land, in order to reach counterparts and a sample of beneficiary communities in El Chaco (western Paraguay) and Amambay/ Canindeju (eastern Paraguay). This effort made it possible not only to talk to and interview all RFN's counterparts, but also to have direct contact and dialogue with beneficiary indigenous communities and their leaders/ associations in four provinces (*departamentos*) of the country. Due to time constraints and distance, the team did not travel to Itapúa. Instead both ACIDI and GACII, PCI's counterparts, were invited to come to Asunción for an interview and to participate in the last day's presentation.

Combining document review with interviews of all counterparts, plus visits to a sample of indigenous communities in the two main regions of the country, allowed the team to have an overview of the program as a whole and its results. The visits to a sample of indigenous communities who are program beneficiaries, and the open-ended dialogue sustained in group meetings during those visits, were particularly useful for

understanding the beneficiaries' perceptions, and assess *in situ* the living conditions and situation of the indigenous peoples in Paraguay.

One *limitation* of the field work phase is that the team did not have sufficient time to go into in-depth analysis of the specific results of each project implemented by all 12 counterparts between 2006 and 2010. It focuses, rather on the overall program results achieved in relation to the program objectives and expected results of RFN's Program Document 2008-2012. However, key results achieved by projects of each counterpart during the period 2006-2010 are presented in Annex A. The project documentation provided by program counterparts to RFN (annual applications, work plans, narrative and financial reports, etc.) for the year 2009 and some for 2010, were used as reference.

1.5 Acknowledgments

The review team is grateful to Norad and RFN for the assistance in the preparation of this review. The assistance of RFN to provide program and project documentation and facilitate direct communication with the counterparts during preparation phase is greatly appreciated. We also appreciated the willingness of all counterparts in Paraguay to meet with us and to assist us with the complicated logistics of the Agenda in Paraguay. Special thanks to Jorge Vera of GAT who functioned as counterpart liaison to the review team for the facilitation of information and communication with all counterparts during the preparation and field work period.

2 Country Context

2.1 Country Situation

Paraguay, a landlocked country located in South America, has an area of 406.752 km² and an estimated population of 6.5 million, of which more than 58% is urban and 42% rural. The country is young, as 59.3% of the population is under 30 years of age. The group of 65+ years of age represents 7% of the population. According to the Home Survey (EH 2009), the rate of open unemployment is 6,4%, and underemployment affects 25,1% of the population. Approximately half of those who are salaried receive less than the minimum salary (approximately US\$ 410) in their main occupation. 12% of the population is connected to the internet.

According to the National Agricultural Census (2008), land concentration was kept more or less intact since the last census of 1991. Eighteen years ago, 1,55% owned 81,32% of the land, and today 2,06% of the population owns 85,5% of the land. Another fact is that while the segment of farms of 20 to 50 hectares decreased by 27,5%, the segment of properties 500 hectares or more increased by 56,9%. This progressive concentration of land and the increase of large farms has a direct correlation with the economic and development model applied in the country. Paraguay is the sixth major producer of soya in the world and the ninth largest exporter of beef. By contrast, 38% of the population lives in poverty and 19% in extreme poverty.

Fernando Lugo's election and ascension to power in August 2008 broke with more than 60 years of political dominance of the Colorado Party. The expectations were high, also among indigenous communities, but his political alliance has not been able to keep most of the promises due to lack of strength in Parliament and corruption of key institutions such as the judiciary. The disenchantment with the Lugo administration was reflected in the recent municipal elections where the right-wing Colorado Party won 15 of 19 provincial capitals and gathered more than 220.000 more votes than Lugo's PLRA alliance.

2.2 Indigenous Peoples' Situation in Paraguay

Introduction. The indigenous population in Paraguay has suffered from a historical loss of their territories (particularly in the last 50 years), marginalization and discrimination, violation of their rights, and state policies based on a top-down "assistencialist aid" and "assimilation" concepts and policies towards them. Being a minority population, they have struggled to make their voices heard, and have systematically been denied their legitimate rights as recognized in the current Constitution and specific legislation of the country, and those rights stated in international conventions signed and ratified by Paraguay, such as ILO Convention 169, and the American Convention on Human Rights.

Statistics and Socio-economic indicators. According to the 2008 National Survey of Indigenous Homes (EHI-2008), the first in the history of the country, the total indigenous population is now 108.308 persons, 19.138 more than the number given by the Census 2002 which registered an indigenous population of 89.169 people. The indigenous populations constitute almost 2% of the total population. The same survey also notes that 38,9% of indigenous persons over the age of 15 are illiterate. 71% of those who work are involved in primary sector jobs (agriculture, cattle ranches, fishing and hunting, forest exploitation, etc.)

and receive an average salary of 778.000 guaranies (approximately US\$ 190). The child mortality rate of children of less than five years of age, non indigenous, is 19 for each 1000 live births; in the case of the indigenous population, child mortality rate is 98 for each 1000 births. Child malnutrition among indigenous is much higher than the national average in children of less than five years of age (DGEEC 2008). All social and economic indicators pertaining to indigenous communities are low compared to the national average or those of the non indigenous population. This points to systematic discrimination and exclusion of indigenous peoples, as clearly stated in CODEHUPY²'s Human Rights Reports 2007-2009.

Ethnic groups and geographical distribution. Currently, there are 20 ethnic groups and 5 linguistic families (see table below). 50.8% of the population live in the eastern region (good land for crops and good sources of water), and 49,2% in the western region (dry land).

Linguistic Family ³	Ethnic Group
1. GUARANI	Guaraní Occidental Aché Ava Guaraní Mbyá Paí Tavyterâ Guaraní Ñandéva
2.LENGUA MASKOY	Toba Maskoy Lengua Enlhet Norte Lengua Enxet Sur Sanapaná Toba Angaite Guaná
3.MATACO MATAGUAYO	Nivaclé Maká Manjui
4. ZAMUCO	Ayoreo Chamacoco Ybytosó Chamacoco Tomarâho
5. GUAICURU	Toba Qom

Although the Western Region or Chaco covers 60% of the national territory, only 2,5% of the total national population lives there. By contrast, 40% of the Chaco population is indigenous, compared to 1% indigenous in the eastern regions. Fifteen of the twenty ethnic groups are represented in Chaco. However, indigenous people are treated in Chaco as a source of cheap labor for large farms, cattle ranches, etc. Regarding land rights, about 45% of indigenous communities do not have property rights to the land on which they live.

Legal and Institutional framework. There is a coherent legal framework in Paraguay regarding indigenous peoples' rights. Paraguay's 1992 Constitution is one of the most advanced in Latin America in this regard (Barié:2003). Chapter V, articles 62-67 of the Constitution, is dedicated to cultural, territorial and self-management rights of indigenous

² Coordinator of Human Rights in Paraguay (an NGO that coordinates a human rights network of 25 CSO) http://www.codehupy.org/index.php?option=com_docman&task=cat_view&gid=18&Itemid=12

³ Source: DGEEC, EHI, 2008

peoples. Specifically, this chapter recognizes: the pre-existence of indigenous peoples (art. 62); right to cultural identity and own habitat, application of indigenous law and own organization systems (art. 63); right to communal property, provision of land by the State, protection against displacement (art. 64); right to participation (art. 65); right to intercultural education and respect for cultural characteristics, defense against economic exploitation and depredation of their territory (art. 66); exemption from military service and public taxation. In addition, bilingual education (Spanish and Guaraní) is recognized (art. 77), as well as declaring the country as “pluricultural and bilingual” and that the official languages of the country are Spanish (*Castellano*) and Guaraní (art. 140).

In addition to the Constitution, there is specific legislation for indigenous peoples and other which makes specific reference to them: Law No. 904/81 Statute of Indigenous Communities; Law 43/89, establishes legal instructions to regulate indigenous settlements, particularly regarding those lands in dispute with private owners; Law No. 26/92 Law of Wildlife; Law No. 294/93 Environmental Impact Evaluation; Law No. 352/94 Protected Wild Areas; Law No. 1286/98 Penal Code (first effective recognition of indigenous law); Law No. 1264/98 General Law of Education; Law No. 1863/02 Agrarian Statute. In spite of the coherence of the legal framework, in practice the rights of indigenous peoples have been largely disrespected due to structural discrimination and racism, slow transition to representative democracy, limited advocacy capacity of indigenous organizations, loopholes in the current legislation, and the failure of the State’s model towards indigenous peoples (Barié 2003, Tierraviva, PCI, GAT).

On the latter point, the policy of the State towards indigenous peoples has been implemented through the Paraguayan Institute of Indigenous Affairs (INDI) since 1975. Since at least 1981, when the law on indigenous communities was passed, INDI has suffered from repeated scandals, corruption, a top-down (“assistencialist”) vision towards indigenous peoples, and a chronic lack of funds (CODEHUPY 2008, p. 537). The current director confirmed that INDI is underfunded, and that Parliament, for political reasons, may not be willing to increase INDI’s budget in the years to come, thus hindering INDI’s capacity to comply, on behalf of the State, with obligations towards indigenous peoples.

The lack of response from the State to the demands for respect of indigenous peoples’ rights, particularly regarding territorial claims, have forced some indigenous communities to take their cases to both the Inter-American Commission of Human Rights (IACHR) and the Inter-American Court of Human Rights (IA Court HR). In 1996, the first case was taken to the IACHR by the indigenous communities of Lamexay and Keylyephapopyet of the Enxet people, with legal assistance from Tierraviva and the Center for Justice and International Law (CEJIL). The case’s main legal base was the American Convention on Human Rights.⁴ The case was solved in favor of the communities and led to the restitution of 21.884 hectares of traditional territory. The Inter-American Court of Human Rights has issued three sentences against the Paraguayan state for violations of rights of indigenous peoples. Two of the sentences were given in 2005, one in favor of the indigenous community Yakye Axa ,

⁴ Paraguay is a State-party to this Convention since August 1989, and has recognized the jurisdiction of the Court for disputes since March 1993.

Enxet ethnic group, and the second in favor of the indigenous community Sawhoymaxaxa. The third and most recent sentence of the Inter-American Court of Human Rights against the State of Paraguay was pronounced on 24 August 2010, for rights' violations of the indigenous community Xákmok Kásek of the Enxet people. Tierraviva legally represented the Xákmok Kásek community in this case.

**Inter-American Court of Human Rights
Case of Xákmok Kásek indigenous community vs. Paraguay
Sentence of 24 August 2010**

This sentence, in addition to ordering the State of Paraguay to return 10.700 hectares to the Xákmok Kásek community, and ordering a number of compensations to the community for rights' violations, makes important recommendations to the State regarding its legislation: “**5. Guarantees of no repetition**”, “**5.2 Adapting internal legislation to the Convention. 309.** ...In the opinion of the Court, the international responsibility of the State in the present case has been generated by the **lack of adaptation of the legislation to guarantee the right of indigenous communities to property of traditional territory** ... In the Court's judgment, the social interest of property regarding indigenous communities should be interpreted as to take into consideration the circumstance that these are ancestral indigenous lands, something that should be reflected both in the substantive norms and in the judicial process. **310.** Consequently, the State, should adopt, within two years, in its internal legislation, according to article 2 of the American Convention, the necessary measures --legislative, administrative or of any other kind-- to create an effective system for indigenous peoples' ancestral or traditional land claims, which would make it feasible to achieve their right to property. ...” (p. 78-79; translation of selected text from Spanish version by team)

In spite of these sentences by the Inter-American Court of Human Rights, to this date Paraguay has not satisfactorily complied with them, particularly the two from 2005. The Yakye Axa community in the Chaco region is a clear example of this: Five years after the sentence, this community still lives in inhumane conditions alongside a main road in the Presidente Hayes province, and their land has not been returned. The Lugo administration seems to have the political will to comply with the sentences, but lacks the resources and the political clout in Parliament, and faces a judicial branch that lacks independence and is mostly biased against indigenous peoples.

Summing Up. The national and regional socio-economic and political context has been a significant external factor to the implementation of this program for indigenous peoples, and will continue to be a risk factor in the near future, particularly in the Chaco region. Deep-rooted discrimination and racism, differences in values regarding the use of land and forests, and an agro-export economic model that promotes, directly or indirectly, the illegal invasion of indigenous territories and deforestation, causing displacement and migration of indigenous peoples to urban areas, suggest a context that will pose serious challenges to future advances as regards indigenous peoples' rights. The legal framework regarding indigenous peoples is advanced and coherent, but does not work in practice due to lack of political will and deficiencies in the national legislation related to territorial claims. In spite of all this, the current inclusive approach of INDI and SEAM towards indigenous peoples and their organizations, and the strengthened capacity and credibility of some indigenous organizations, gives some reason for cautious hope towards the future.

3 Assessment of Program

3.1 The Program for Indigenous Peoples in Paraguay

Background. Norad has supported pro indigenous- (NGO) and indigenous organizations in Paraguay since the beginning of 1990's. Support was provided through the Indigenous Peoples program managed first by the research institute FAFO and then by Norad. In 2006, through an *Addendum*⁵ to the framework agreement with Norad 2003-2007, Rainforest Foundation Norway (RFN) gained responsibility of the administration and professional follow up of the programs in Peru and Paraguay. An additional NOK 7 million for the period 2006-2007 was added to RFN's budget as part of the signed addendum to the framework contract.

In 2007, as part of their application/ program document 2008-2012, RFN integrated the Peru and Paraguay programs as part of the framework agreement with Norad for the same period. Peru and Paraguay appear as "*Program 1B Direct Support to indigenous peoples in Peru and Paraguay*"⁶ in RFN's program document. Program 1B is presented with development and program objectives plus regional and country indicators, as well as four overall expected results for the whole framework period with the respective regional and/ or country indicators for Peru and Paraguay. As this is the closest the review team came to a document with a Results Matrix for the whole program for indigenous peoples in Paraguay, the team used this as a basis for assessing program results although it only covers the last three years of the program.

Rationale. Norway has a long-standing tradition of supporting indigenous people's rights around the world. In Latin America, Norway has supported indigenous peoples' organizations and pro indigenous NGO in Brazil, Guatemala, Chile, Peru and Paraguay since at least the 1980s. The most recent basis/ guidelines for support to indigenous peoples' organizations and NGO working as advocates for indigenous peoples' rights are found in *Norway's efforts to Strengthen Support for Indigenous Peoples in Development Cooperation – A human rights-based approach* (2004), and the *Principles for Norad's Support to Civil Society in the South* (2009).

Budget. As said earlier, the budget allocated for the program in Peru and Paraguay is NOK 12,5 million per year for the period 2008-2012. Of this, ca. 6,7+ million went to projects in Peru, and ca. NOK 4,7 million for projects in Paraguay for the year 2009. The grants to joint NGO-indigenous organizations projects in Paraguay ranged in 2009 from NOK 630 000 to NOK 1,3 million. Most NGOs have one indigenous organization as partner. However, PCI is the exception with three-way contracts with three separate indigenous organizations, two in Chaco and one in Itapúa.

The Counterparts and thematic/ geographic distribution. There are two types of counterparts: NGO (SAI, PCI, GAT, Tierraviva, Iniciativa Amotocodie) and Indigenous

⁵ Signed January 2006.

⁶ *Program 1B Direktestøtte til urfolk i Peru og Paraguay* (p.35)

Organizations (CAPI, Federación Guaraní, CLIBCH, OPIT, UNAP, ACIDI/GACII, NNE). Thematically, they focus their work on: Territorial recovery and legal protection of land (Tierraviva, GAT, IA, OPIT, UNAP, ACIDI/GACII); Intercultural bilingual education for Guaraní people (SAI, Federación Guaraní); Strengthening of indigenous organizations' capacity and competence (PCI, SAI, Tierraviva, GAT, IA, CAPI, Federación Guaraní); Recovery of language and cultural identity (NNE). The largest budget allocations in 2009 were for the education projects of SAI and Federación Guaraní, followed by those of PCI with CAPI, ACIDI/GACII and NNE. NNE, however, is both a different type of counterpart and runs a different kind of project compared to the rest: It runs a small, and relatively isolated research project channeled through PCI whose aim is the recovery of the Enlhet language and content of Enlhet culture through the audiovisual recording of oral history as told by the elders of the community. NNE does not have a political agenda as do the other indigenous organizations. Geographically, and based on their work, the counterparts are distributed as follows: In the West or Chaco (PCI, IA, GAT, CAPI, Tierraviva, OPIT, UNAP); East or Oriente (SAI, Federación Guaraní, ACIDI, GACII). Counterparts with offices in Asunción (PCI, GAT, SAI, Tierraviva, CAPI).

Status of Contracts and Counterpart Relationships. Counterpart relationships, particularly those in the three-way contracts, are good and the projects are being implemented without any major problems. There is one exception: Iniciativa Amotocodie and UNAP have a conflict that dates to the beginning of 2010. The new leadership of UNAP does not want to have IA as an adviser anymore and accuses them of using the Ayoreo name for their own purposes. IA found alleged wrongdoing by the new leader of UNAP in the use of program funds, and communicated this to RFN. Both RFN and IA have taken this situation seriously. RFN decided to suspend further allocations for 2010 to UNAP, but it has included them in the application for 2011 to Norad, in the hope that the situation will be solved. The current conflict between IA and UNAP should be discussed carefully by RFN and IA, taking into consideration the previously good relationship sustained between the two organizations from 2005 to 2009, the importance of UNAP for the Ayoreo people, and in light of the hostile context in which IA and UNAP operate. The conflict, however, should not run indefinitely, as it may damage the credibility of the program.

3.2 Assessment of Program Results

Introduction. This chapter presents and assesses the results of the Paraguay program as a whole, using RFN's Program Document 2008-2012 as the basis for the assessment. This program document is the basis for the current framework agreement 2008-2012 between Norad and RFN. The agreement Norad-RFN is for five programs in four continents. The support to indigenous peoples in Paraguay appears under "*Program 1b: Direct Support to Indigenous Peoples in Peru and Paraguay*".⁷ The Results Matrix, with the program's general objective, expected results and indicators, has been adapted from that document in order to present key program results. It is important to remark that the general objective and expected results are for the period 2008-2012, and therefore this review can only assess what

⁷ Programdokument: Flerårig Søknad om Samarbeidsavtale 2008-2012, Regnskogfondet, p. 35-40

has been achieved until 2010. Specific project results are presented in *Annex A: RFN's Counterparts and Main Project Results*.

3.2.1 Program objectives and expected results

Program Objective (2008-2012): The indigenous peoples of the Peruvian Amazon and Paraguay have strengthened their basic rights in the national legislation and in practice, and manage the territories where they live in a way that takes better care of the biological diversity than today⁸.

Expected Result 1: The capacity and competence of Indigenous Peoples to increase their influence on processes that impact their own future have been strengthened. (Six indicators)

Key Results achieved:

- CAPI, an indigenous umbrella organization, is one of the indigenous organizations that enjoys credibility and respect at the highest level, and is able to represent indigenous peoples at national level, and at the same time make proposals to the State on public policy for indigenous peoples, and represent indigenous peoples in international fora. However, the perception is that as CAPI continues to grow, it will need to strengthen its internal management and administration systems;
- Federación Guaraní is also an indigenous umbrella organization that has credibility and capacity, and has reached a level of organization where it can both represent the Guaraní people at national level, and at the same time work at local level through its indigenous associations on the advancement of bilingual and intercultural education, in the eastern region;
- Regarding the goal of 42 Guaraní teachers formed within 2009, 34 teachers have been trained as bilingual teachers, and are already in service and being paid by the Ministry of Education. One of them even has the position of education supervisor. These teachers, whom we met, are highly motivated to continue their education and training (SAI with Federación Guaraní and local indigenous associations);
- OPIT and UNAP, the two indigenous organizations that represent the Ayoreo people in Chaco have worked well together until 2009. Currently, OPIT regrets that new leadership of UNAP from 2010 does not share the same values and methods to advance the rights of the Ayoreo people as OPIT does. These two indigenous organizations, due to a hostile context in Chaco, are two of the most vulnerable RFN counterparts.

Other Results achieved:

- The process to change Law 904/81, which Parliament was trying to modify without consulting indigenous peoples (especially CAPI and Federación Guaraní in alliance with other organizations), was stopped;
- Increased visibility and incidence of indigenous organizations vis-à-vis State and international organizations (especially CAPI and Federación Guaraní);
- Ad-hoc political decisions regarding wild and protected areas which reduced autonomy and control of indigenous peoples over their territories were stopped.

⁸ The review team assumes that the baseline was the status of program at the end of 2007.

The strengthening of the capacity and competence of indigenous organizations has been a long process in Paraguay, and therefore it cannot be attributed only to the last five years. Another important point is that the capacity and competence developed over the years is not balanced among counterpart indigenous organizations: Whereas some feel that they are at the threshold of a new phase where they can manage and administrate their own projects and affairs, others feel that they are many years away from achieving that point. This is due to organizational differences such as size, internal capacity, and whether they are based in a city or in rural areas. Some indigenous organizations are comfortable with an arrangement where they don't have to worry about papers, accounting and bureaucratic matters because these paper-based or electronic systems are foreign to their culture. The partner NGO takes care of the latter requirement in a 3-way contract with RFN.

In conclusion, as one NGO counterpart put it, there is a significant change in capacity and competence of indigenous organizations in the last five years. Indigenous peoples have gone from being "invisible" to being able to speak for themselves through their organizations. However, differences in capacity and competence among them are noted.

Expected Result 2: RFN's counterparts, through studies, law proposals and lobbying, have established the basis for legislation that gives better protection to indigenous peoples' rights in Paraguay than today. (Three indicators)

Key Results achieved:

- On systematizing documentation regarding the human rights situation of indigenous peoples, one important product/ result is the drafting and publication of the *Proposal of Public Policy for Indigenous Peoples* by CAPI; definition of compensation measures and proposal for law reform regarding procedures for land/ territorial claims (Tierraviva);
- Regarding the follow up of sentences against the State by the Inter-American Court of Human Rights: (i) through these sentences, new standards of international law have been established, and, at national level, the legal foundation for more accessible and shorter procedures for land or territorial claims has also been established (Tierraviva, CLIBCH); (ii) development of international jurisprudence as tool for new lines of incidence on public policy; (iii) the creation of an Inter-institutional Commission to follow up and facilitate compliance with the sentences of the IA Court of Human Rights (Tierraviva);
- Other results related to "systematic work with authorities so that legislation ensures indigenous peoples' rights": (i) Demand for compliance with the principle of previous and informed consultation in all projects and decisions that affect indigenous peoples (SEAM now practices this principle, as result of incidence from PCI, CAPI ACIDI); (ii) intervention in penal and labor cases related to territorial matters, such as stopping the 'criminalization of struggles' (Tierraviva); (iii) spaces have been opened for discussion of public policy with specialized agencies of the government, thus increasing incidence in resolutions and decisions (Federación Guaraní, CAPI).

The three sentences by the Inter-American Court of Human Rights against the State set an important precedence in the country and jurisprudence internationally for territorial claims by indigenous peoples. The legal expertise and assistance of Tierraviva, PCI, GAT and SAI has been instrumental in the advances and proposals to reform the legislation so that it is adapted to the needs of indigenous peoples. Indigenous organizations themselves have

grown in capacity and competence to have incidence in public policy development and resolutions by national and local authorities. CAPI, Federación Guaraní, CLIBCH and ACIDI are good examples of indigenous capacity to interact with national and international authorities.

Expected Result 3: The studies, advocacy work, and peoples' mobilization have produced a foundation for legal approval of more territories for indigenous peoples in Paraguay. (Three indicators)

Key Results achieved:

- The three sentences of the IA Court of Human Rights against the State ordered the State to return ancestral territory to three communities, but the State is in non compliance particularly in the cases of 2005/06 (Tierraviva and CLIBCH);
- The resolution of the territorial claim of 100.000 hectares by the Ayoreo Totobiegosode and the title given to them is a paradigmatic case; the rights of isolated Ayoreo families/ groups have been made prominent (GAT, OPIT, IA);
- Working towards legalization of the Tekoha Guazú territory in Itapúa. In 2008 INDI recognized all 78.000 hectares as ancestral territory of the Mbya Guaraní. The legal petition is for 78.000 hectares; so far, 13.000 are legally secured (ACIDI, PCI-GACII);
- The recovery of 25.000 hectares of territory; the judicial measurement of an additional 20.000 hectares, and the purchase of 15.530 hectares with title in the name of UNAP/Ayoreo (Iniciativa Amotocodie and UNAP);

Recovery of traditional/ ancestral territories by indigenous communities is one of the most contentious issues in Paraguay. As most land is now in private hands, territorial claims by indigenous peoples are very difficult to follow through to a successful end in the current legal system. This is why the achievement of the title to 100.000 hectares for the Ayoreo Totobiegosode is a remarkable achievement. Also, the advancement in the negotiation by ACIDI-GACII regarding the territory of the Mbya Guaraní in Itapúa, and the recognition by the State of 78.000 hectares as ancestral territory, even though the San Rafael nature reserve is within its limits, is another important result. The non compliance of the State with the three sentences by the IA Court of Human Rights shows that the issue of territorial claims will continue to be a struggle for years to come. Nevertheless, the precedence and jurisprudence established by these sentences is an important tool for future cases, and a foundation for proposals to adapt the national legislation.

Expected Result 4: Several actions to secure and support the sustainable management of indigenous territories and other protected areas, by local communities, are initiated and further developed in Paraguay. (3 indicators)

Key Results achieved:

- Some territory for the protection of isolated indigenous groups in Chaco and Itapúa has been secured, and the objective of making these isolated groups and their habitats visible has been achieved through publications, campaigns, radio programs, monitoring and protection from contact, stopping tree-cutting machines, etc. However, this is one of the more contentious

issues today in Paraguay, especially in the Chaco region (Iniciativa Amotocodie, UNAP, GAT, OPIT, and ACIDI/GACII);

- The discussion on how to manage the San Rafael nature reserve in Itapúa between the State and the Mbya Guaraní people, represented by ACIDI-GACII, still ongoing; one step forward is the recognition by the State of 78.000 hectares, including land where the nature reserve superimposes on the indigenous territory, as being ancestral territory and the title given on 13.000 hectares of this territory;
- Indigenous organizations, particularly CAPI and ACIDI, have actively participated in the discussion of protected areas in indigenous territories; CAPI has had a proposal-based participation in national and international committees and forums on the debate related to climate change and environmental degradation (UN-REDD initiative and other). CAPI is part of the REDD project and is member of the Commission developing the National Joint Plan on REDD (UNDP-SEAM-CAPI-INFONA).

All NGO and indigenous organizations who are RFN counterparts in Paraguay have as a point of departure the protection of the environment and the sustainable management of natural resources, including the protection of isolated indigenous groups. Indigenous organizations and communities are the guardians of the last dry and humid forests that still exist in Paraguay, both in the west (Chaco region) and the east.

The protection of isolated Ayoreo groups in Alto Chaco is a difficult struggle for both the NGOs and the indigenous Ayoreo organizations. The political environment is very hostile, in general, to the rights of indigenous peoples in Chaco. The recent violent search of Iniciativa Amotocodie's offices on 1 December by the Prosecutor's Office (*Ministerio Público*) and the Police for an alleged crime, forcing entrance and taking documents, computers, etc., only shows the challenge of working for indigenous rights in this region. The illegal invasion on 30 November, denounced by ACIDI, of indigenous land belonging to the community of Makutinga, San Rafael Paraná, Itapúa, by a non indigenous landowner who claims to have title to more than 400 hectares, is another example of the pressures, challenges and legal maneuvering faced by indigenous peoples in the whole country.

Other challenges are the reduction of emissions initiatives –REDD, REDD plus and UN REDD⁹. These initiatives are being discussed in Paraguay through the drafting of a Joint National Plan. CAPI is the only indigenous organization that is a member of the technical group preparing the joint national plan. CAPI, however, was clear in its statement for the workshop on UN-REDD of March 2010, that the revisions and recommendations proposed to the joint national plan were not taken into consideration by the technical group, and that “the participation of CAPI in the Technical Group does *not* represent the support of CAPI or its members to the REDD proposal, nor exonerates the Government from its obligation to consult with all indigenous peoples and communities ...and not just CAPI.” CAPI has elaborated ten key points to be considered as part of the content of the national joint document. On the other hand, the position “*National Climate Change Program*” of SEAM-

⁹ The United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing countries - <http://www.un-redd.org/>

Paraguay at the recent COP 16 UN Climate Change Conference in Cancún, México, is inclusive in its text of the participation of indigenous peoples and communities as part of fundamental considerations for the REDD program (points 2, 4 and 6 under REDD, p.6).¹⁰ The review team does not know if CAPI agrees with SEAM's position at the COP 16 Conference in Cancún.

These new environmental initiatives such as REDD are a challenge not only to CAPI, but to other indigenous organizations such as ACIDI because of their technical complexity. The San Rafael nature reserve in Itapúa, for example, is one of the areas considered for emission reduction projects (e.g., *The Paraguay Forest Conservation Project*, proposed by Swire Pacific Offshore, World Land Trust and Guyra Paraguay). The area proposed for the project includes land owned by Mbya Guarani communities represented by ACIDI. In conclusion, the REDD programs and projects may bring potential benefits to indigenous communities, but they also represent risks to them, and thus deserve careful consideration.

3.3 Assessment of Program using DAC evaluation criteria

3.3.1 Relevance

The Program for Indigenous Peoples in Paraguay, supported by Norad since at least the 1990s, and under the administrative and technical follow up of Rainforest Foundation Norway since 2006, has been relevant to this day to the needs and situation of indigenous peoples and their organizations in Paraguay, particularly regarding territorial rights and protection and access to services such as indigenous education; and is equally relevant to the country in its own process for democratic development with equity and dignity for all.

3.3.2 Effectiveness

The program has achieved positive and tangible results regarding the strengthening of capacity and competence of indigenous organizations. However, the level of capacity and competence achieved varies across the counterpart indigenous organizations. Some are prominent, visible and capable of sound proposals at the highest level; others are only able to work at the local level and still lack capacity and competence. These differences can be explained by cultural, geographical and organizational factors as well as for the level or category of the organization. Overall, most counterpart indigenous organizations have been strengthened by the program, and even their community associations (as in the case of Federación Guaraní) have benefited from the specific projects and advisory follow up of the local NGO.

There are also important results tied to the restitution/ recovery of indigenous territory and efforts to ensure legal security (titles) of the same. Examples are the 100.000 hectares of the Totobiegosode, the three sentences by the Inter-American Court of Human Rights for territorial restitution/ recovery by three communities in Departamento Presidente Hayes (even if compliance is still in process), and the 78.000 hectares recognized to the Guaraní

¹⁰ http://www.seam.gov.py/images/stories/seam/documentos/posicin_nacional_cc_ingles.pdf

communities in Itapúa (even if the process for titling may take a long time). There are also advances in the protection of isolated indigenous groups, and actions for recovery of cultural identity as well as advances in the promotion of indigenous education, especially in the east of the country. However, even with the significant efforts and achievements, it is important to remember, as one counterpart pointed out, that the situation of vulnerability persists and what has been achieved is minimal in relation to the needs for full respect of indigenous peoples' rights.

3.3.3 Sustainability

Even if several of the results and effects are sustainable (e.g. territories recovered with title, etc.), in the short term some ongoing processes of strengthening of indigenous organizations are not sustainable without support from external donors. All counterparts value the consistent and responsible support from Norad/ Rainforest Foundation over many years, and are hopeful that Norad/ RFN are respectful of a process that is on the verge of consolidating the gains regarding the strengthening of indigenous organizations. Several indigenous organizations may be close to reaching a higher level of capacity, competence and own management.

3.3.4 Monitoring and Evaluation

Most counterparts agree that the demands for monitoring procedures have increased since RFN took over the program in 2006. They appreciate, however, these new demands because they have been followed up with training, and these new skills have contributed to better planning, better reporting, and transparency in accounting and auditing of counterparts. The counterparts also see this model as appropriate to working with indigenous organizations, since it requires planning and follow up, but the application is sufficiently flexible.

3.3.5 Value Added of RFN

The great majority of counterparts value the inputs and work of RFN since 2006. RFN maintains contact and dialogue in spite of the fact that it does not have an office in Paraguay. RFN has contributed with capacity development, access to networks, international actors through participation in international seminars, as well as the use of its specialized knowledge and experience in environmental issues, particularly in the protection and management of tropical forests. The methodology based on three-way contracts, with direct contracts with indigenous organizations, is a positive mechanism that provides confidence, responsibility and resources to indigenous organizations. In addition, RFN has made efforts to contact, meet and establish dialogue with key state institutions responsible for indigenous peoples' issues, such as INDI and SEAM, with the aim of presenting and discussing the program, and also to know the point of view of the State regarding indigenous issues. This contact and dialogue serves a bridge for dialogue between local counterparts and INDI/SEAM and gives legitimacy and feedback to their work.

3.3.6 Risk Management

There was an initial conversation about managing risks between RFN and counterparts, but the team did not find evidence that a discussion and analysis of risks took place and was incorporated in the planning process. However, by looking at annual plans for 2009 and 2010, individually some counterparts include in their application an analysis of the risks for the year (GAT as example), but this is not consistent across the applications. Given the pressures and high risks faced by the indigenous communities, especially in Chaco and the eastern border with Brazil, this discussion on risks and mitigation measures should be more systematic in the planning and follow up process.

3.3.7 Anti-corruption Measures

RFN has established mechanisms for project and financial monitoring since 2006 through which it is able to detect misuse of resources or prevent it. The audits are not just for the project/s, they are for the whole organization. The current case of suspension of funds from RFN to UNAP due to misuse of project funds is an example that the mechanisms in place work.

3.3.8 Efficiency

The perception of the review team is that the counterparts do a lot with the limited resources provided by the program. They themselves totally agree with this perception, and add that the budget is so small that when the exchange rate is not in favor of the project, they have to cut important activities at community level (as has been the case this year). Their commitment, dedication and long term vision compensates for the lack of resources. They recommend, however, that when negative impact of exchange rate is anticipated, that RFN communicates this immediately to counterparts.

3.4 The Programs for IPOs in Brazil and Guatemala

The program for indigenous peoples in Brazil managed by the Embassy in Brasilia supports 17 organizations and 21 projects through direct bilateral agreements. The portfolio is comprised of agreements with NGOs and indigenous organizations. The budget for 2009 was NOK 20 million. This model would not work in Paraguay since there is no Norwegian embassy in the country. Norad also supports indigenous peoples in Brazil through RFN's Amazon program.

The current Maya Program of the Norwegian Embassy in Guatemala started only in 2009 and is channeled and managed by three UN organizations (UNDP, UNICEF and OHCHR). The program is a follow up on the long running bilateral support to indigenous organizations and NGO from 1983 to 2008, managed by the Norwegian Embassy. The Embassy's reduced capacity forced the change in support modality. In Paraguay, UNDP would be one of the UN organizations who has the capacity to manage the program, as they currently manage many projects, including one for indigenous peoples. The disadvantage of using UNDP as channel would be that communication and follow up with them would be difficult and distant given the fact that Norway does not have an embassy in Paraguay. Since we did not have the chance to meet with UNDP, in spite of our efforts to schedule a

meeting, it is difficult for the team to assess whether this channel can be an option. The opinion of the review team is that the modality of support to indigenous peoples through RFN works well, and that the only weakness is the lack of a field office in Paraguay, but this is due to budget limitations of the program and the management principles of RFN itself.

3.5 Other actors who support Indigenous Peoples in Paraguay

There are very few actors and donors who support indigenous peoples' organizations and communities in Paraguay. UNDP and AECID are two of them. Through an interview with AECID (Spanish Agency of International Cooperation for Development), the review team learned that they have supported indigenous peoples in the country since 2002/03. They base their work on AECID's general strategy for work with indigenous peoples. They do not have a defined program strategy for Paraguay; it is built through the proposals of the organizations. The objective is the strengthening of the indigenous organizations. The financial modality is diverse: Through international organizations (e.g. UNDP); through local NGOs; through community associations (legally recognized); and through bilateral cooperation with INDI.

AECID has had contact with all counterparts of Norad/RFN, but with some of them the relationship is more recent (e.g. Federación Guaraní). Regarding the goal of strengthening IPOs, AECID's assessment is that in the last three years there has been an increase in the strength and capacity of indigenous organizations; the fact that they are able to develop proposals for public policy is significant and implies organizational maturity. As to the main challenges: AECID concludes that, in spite of the advances, indigenous organizations still need the respectful follow up and advice of experienced NGOs ('there is still much lacking'); there is also a societal tendency, reinforced by the media, to make invisible the political agenda of indigenous peoples. Indigenous people are still seen as 'poor', as objects of charity, and not as humans with specific rights.

4 Conclusions and Recommendations

4.1 Conclusions

1. The Program for Indigenous Peoples in Paraguay, supported by Norad and administered and followed up by RFN since 2006, has been highly relevant to the needs and vision of the indigenous peoples and organizations, particularly regarding recuperation and protection (legal assurance) of their ancestral territories. The program is also very relevant to the country's own process to achieve democratic development with equity and dignity for all citizens.
2. The program has been effective in strengthening the capacity and competence of indigenous organizations, particularly in the last five years. Some of the indigenous umbrella organizations are now able to be effective advocates of indigenous peoples' rights vis-à-vis the State. The program has contributed to the legal success of territorial claims of indigenous communities in the Chaco regions and in the Itapúa province, as well as to the efforts by two counterparts to take three cases to the Inter-American Court of Human Rights, which culminated in three sentences against the State handed down by the Court for rights' violations of three indigenous communities in El Chaco. It has also contributed to the promotion and recuperation of cultural identity, leadership training and capacity development, and to significant advances in indigenous bilingual education and indigenous teachers' training, the latter especially in the eastern part of the country.
3. Rainforest Foundation has contributed since 2006 with a friendly but professional dialogue process with the twelve counterparts of the program. In particular, RFN has **added value** regarding (i) better planning instruments and provision of training in planning by results; (ii) good monitoring routines and instruments for submitting applications, narrative and financial reports, annual work plans, etc.; (iii) the modality of three-way contracts, where indigenous organizations are also signing counterparts and in some cases are able to receive direct funding, is positive and creates trust among the parties; (iv) it has established direct dialogue with pertinent state institutions such as INDI and SEAM, a process that gives visibility to the program at the national level and at the same time RFN is aware of the point of view of the Government; it also serves as a bridge of communication between counterparts and INDI/SEAM, and adds legitimacy to their work. Overall, almost all counterparts in Paraguay are satisfied with the administrative and technical follow up performance of RFN. Some, however, identified a problem with communication in general. A few expressed that RFN's technical monitoring and follow up system should include in-depth discussions on the content, process and results at the project level.
4. In spite of the positive program results, and the significant advances in capacity and competence by indigenous organizations, the current Paraguayan context still presents high risks for a program that promotes indigenous peoples' rights. There are several external factors (e.g., hostile judiciary and congress, powerful interest

groups who are completely opposed to the territorial rights and life vision of indigenous peoples, weak government, etc.) that could in the near future be stumbling blocks for new achievements or even inhibit the positive effects that the program has had so far. As this program is essentially about strengthening the capacity of indigenous organizations to be credible advocates of indigenous peoples' rights, there is a need to incorporate a discussion on risk identification and management in the planning process.

4.2 Recommendations

1. **Norad should continue the program for indigenous peoples in Paraguay through the current agreement period with RFN (through 2012), and possibly beyond the current commitment.** The reasons for this are: (i) this is a program that has been effective in contributing to the strengthening of the capacity and competence of emerging and credible indigenous organizations in the country; (ii) the program has had tangible results in territorial restitution/ recovery for indigenous communities, protection of isolated groups, and also in the promotion of cultural identity and indigenous education; (iii) the positive outcomes achieved so far through the program are not completely consolidated, and the indigenous peoples and their organizations, being minorities, will continue to face a hostile environment in the near future; and (iv) the process to achieve full respect of indigenous peoples' rights is a long term one.

Although, based on the above reasoning and current findings, the review team believes that this support model for indigenous peoples in Paraguay is good and should be continued after 2012, a final review/evaluation (in 2012) should re-evaluate the situation and results, and give recommendations on whether and how to continue the program.

2. **Norad and RFN should maintain the number of counterparts as is, and the current partner configuration of NGO and corresponding indigenous organization should also be maintained.** There are several reasons for this: (i) The modality introduced by RFN since 2007, pairing an NGO with an indigenous organization, has worked well and has contributed to increased competence and capacity of indigenous organizations in the last four years. The indigenous organizations themselves are satisfied with this arrangement because they have benefited from the expertise and advice of the NGO staff, particularly on legal matters, and at the same time have gradually increased their management and administrative capacity; (ii) the three-way annual contracts (RFN-NGO-IO) gave indigenous organizations both rights and responsibilities towards the program, and a sense of belonging to a serious effort and process; (iii) even though there are positive results at project level and outcomes at program level, the long term objective of consolidating the capacity and competence of indigenous organizations has not been fully achieved; (iv) although this program supports only a small group of indigenous organizations in Paraguay, this group of indigenous organizations is one of the most representative and credible in the country; and (v) given that very few donors support the theme of indigenous peoples' rights in Paraguay, the support from Norad/RFN is very important to all counterparts.

3. **RFN should improve the process and methods of communication and exchange with the counterparts, so that the dialogue is of mutual benefit.** In particular, the monitoring visits to Paraguay, to the extent possible, should include substantive conversations on the content and results of each counterpart's project, in addition to discussions on the administrative and monitoring requirements of the contract.

4. **RFN and Counterpart organizations in Paraguay should, towards the end of each year, conduct a joint analysis of the national and regional context and the risks faced by the program and projects, including a practical plan on how to manage/ mitigate these risks.** In addition, each counterpart should include in its annual application and work plan a short analysis of the risks/ external factors for project implementation in the local area, and a discussion on how these identified risks will be managed/ mitigated.

Annex A: RFN's Counterparts and Main Project Results

At the time when RFN took over the Paraguay program in 2006 there were only four partners (PCI, SAI, GAT and Tierraviva). From 2007, RFN expanded the program to include one more NGO (Iniciativa Amotocodie) and seven indigenous organizations (CLIBCH, OPIT, CAPI, ACIDI/GACII, NNE, Federación Guaraní, and UNAP), for a total of 12 contractual partners. In 2007 RFN introduced the modality of three-way contracts (RF-NGO-indigenous organization). The contracts are for one year, and the counterparts are required to present annual work plans to RFN. The title of the projects approved in 2009 are used as examples of projects implemented. The summary of results for each counterpart is not project specific, but rather the results of their work since at least 2006.

Tierraviva (a los pueblos indígenas del Chaco)

Tierraviva is a NGO founded in 1994 as a non-profit civil organization. It is a human rights organization with a rights-based approach to the indigenous issue. They work for the recognition of the land rights to the Enxlet and Toba Qom peoples through (i) case litigation regarding collective land ownership; (ii) incidence in public policy, particularly regarding territorial rights; (iii) strengthening of indigenous organizations; (iv) humanitarian assistance (e.g., in cases of forced displacement, etc). They work primarily in the Chaco region (Departamento Presidente Hayes and Bajo Chaco), but with legal interventions in Asuncion particularly before INDI (*Instituto Paraguayo del Indígena*) and INDERT (National Institute for Land Regulation). They define themselves as an actor "with own voice" even if they legally represent indigenous communities and their organizations.

They have worked with a co-financed *institutional program*. The support from Norad/RFN represents 30 to 35% of the institutional budget. Other funding sources have come from Diakonia and ICCO (institutional support), Intermon and Pan para el Mundo (eventual support), and IEPALA and AECID (with support for punctual activities). Regarding the relationship with Norad/RFN since 2006, it is important to highlight not only the institutional support but also the support to the process. The relationship with RFN is one of trust and transparency. It is also important to point out the importance of the direct support to indigenous organizations, who with the new resources are able to define their own roles and develop intervention strategies according to the juncture of the country. It has contributed to the construction of their own identity, different from that of an NGO. The relationship Tierraviva-CLIBCH is now qualitatively different from 2006. The support is now more technical, such as systematization of processes and a greater involvement of the indigenous organization in administrative issues.

Tierraviva has a direct partnership with CLIBCH (indigenous organization of Bajo Chaco) through a three-way contract with RFN. It also works with other indigenous organizations such as UCINI (ISHIR people), OMMI (indigenous women's organization), ONAI (national organization of indigenous peoples) and CPI (indigenous peoples coordinator). It articulates work and is part of CODEHUPY (national coordinator of human rights of Paraguay), REDESPI (network against discrimination), and has international alliances with Amnesty International and FIAN (FoodFirst Information and Action Network).

The Project for 2009 was called “*Legal advice, litigation attention and organizational support to indigenous communities*”, which had a well presented work plan for the year.

Main Results of Tierraviva’s work:

- The sentences against the State of Paraguay of 2005-2006 and 2010 by the Inter-American Court of Human Rights, which created a legal framework and tool for other countries to use for incidence and changes in public policy;
- Definition of reparation measures;
- Proposal for law reform related to procedures for land claims/ restitution;
- Stopping the criminalization of the struggle for land rights/ restitution

CLIBCH (Indigenous Leaders Organization of Bajo Chaco)

The process to organize CLIBCH started in 1996. In 2000 they received legal recognition with the category of non-profit Association. It represents 60 indigenous communities of five linguistic/ ethnic groups (Angaité, Sanapaná, Enxlet Sur, Toba Qom y Nivaclé) of the Presidente Hayes province. Its objectives: Defence of the rights of indigenous peoples and the recuperation of their territory; unity among its members; strengthening of the community organizations. Main partners among NGO: Tierraviva, CIPAE y SAI; among indigenous organizations: CPI Chaco, UCINI, Federación Guaraní, ONAI.

Since 2006 is part of the program supported by Norad/RFN through a three-way contract (RF-Tierraviva-CLIBCH) which for them it implies administrative dependency which produces delays in execution. They want autonomy in the administration of funds. Communication with RFN is indirect (through Tierraviva), mainly due to language difficulties. But they would welcome a more direct communication with RFN.

The name of the Project in 2009 was: “Support to the organizational consolidation of the Coordination of Indigenous Leaders of Bajo Chaco (CLIBCH)”.

The most *important results* are: Strengthening of CLIBCH with greater visibility and political positioning; the increase of interest and sense of ownership of the organization, the internal training/ capacity building on administration and planning; articulation with other organizations at national level; the second sentence against State by Corte IDH; purchase of land (10 030 hectares), San Fernando case; the participation in the formation of a *National Table for Indigenous Organizations of Paraguay*. A positive result was the exchange of experiences at international level with other indigenous organizations.

GAT (Gente, Ambiente y Territorio)

This NGO started in 1993 as a Support Group to the Ayoreo Totobiegosode’s claim for territorial restitution. They obtained legal recognition in 1998. In 2005 changed its name to Gente, Ambiente y Territorio. Initially the mission was legal advice for territorial restitution; afterwards it was decided to do follow up in the field and they opened an office in Filadelfia. They have two programs: 1) legal support program to the Totobiegosode for legal territorial restitution; 2) information and dissemination program. They worked primarily in Alto Paraguay y Alto Chaco con los Ayoreo Totobiegosode y los Chamacoco. GAT was first to submit a legal claim for territory, not a claim for land but a claim for restitution of

indigenous territory. It has eleven judicial references. Currently it works for legalization of remaining land and the protection of isolated Totobiegosode people. They have greater impact regarding territory claimed: 550 000 hectares.

They worked with indigenous organizations of 1st level: OPIT (counterpart in RFN program); 2nd Level: CPI Chaco; and 3rd level: CAPI, with macro incidence at national level (Federacion Guaraní is also at this level).

Main Results of GAT's work:

- The resolution of the case of territorial claim by the Ayoreo Totobiegosode and the title to 100 000 hectares (the Chaidi community visited by review team is located inside this territory owned by the Totobiegosode) is a paradigmatic case;
- They have maintained the territorial claim over the whole nucleus of the patrimonial territory of the Totobiegosode, thus preventing deforestation in one farm;
- In spite of asymmetric relations, the rights of isolated Totobiegosode (*silvícolas*) have been made prominent, tree-cutting machines stopped, and land recovery advanced.
- Development of increased capacity working with networks and incidence;
- Incidence in public policy at the National Council for the Environment (installing indigenous peoples' rights in a transversal way).

In 2010, GAT is implementing two projects: 1) *Strengthening of indigenous socio-environmental management in Alto Paraguay, Chaco Region*; 2) *Sociopolitical Strengthening of the PAYIPIE Ichadie Totobiegosode (OPIT)*. Note: The review team received hard copies of the project application 2010 by GAT to RFN (Apendice 1A GAT-OPIT) and the signed work plans for the two projects. The two projects financed in 2009, according to electronic documents/ reports submitted by GAT to RFN, were two projects with the same name as in 2010.

OPIT (Payipie Ichadie Totobiegosode Organization)

The meeting with OPIT took place at the Chaidí Totobiegosode community. This community was formed in 2004. The meeting was with the community (24 families), 23 people participated (11 women and 12 men), with the presence of three community leaders of OPIT. OPIT is an indigenous Ayoreo Totobiegosode organization that has as objectives: (i) the struggle for the Ayoreo territory "to have access to the things given by the earth"; (ii) the protection of the forest (*monte*) and the resources that the forest preserve "we do not touch nor will we touch the *monte*, just for our own food", and for the peace of the relatives (isolated Ayoreo) who live in the forest; (iii) the well being of the communities.

There are conflicts with landowners regarding territorial limits. There is also a high concern for the high costs of monitoring the territory (financial resources are not sufficient for the costs of mobility and maintenance of vehicles). They ask for resources to purchase own vehicle for monitoring purposes. Another concern relates to other Ayoreo communities who are using the forest to produce and sell coal (*carbón*) for their subsistence; they understand the situation, but are concern about depletion of their own resources.

They are working well with GAT at the level of organizational support. They decide how to use the funds and GAT supports them with the administration. The funds are well

managed and expenses are controlled carefully to have enough at the end of the year. This year the exchange rate affected negatively their activities. They do not see right now how they can survive without external aid due to poverty situation in the community. They asked for the continuation of support to GAT and OPIT.

SAI (Servicio de Apoyo al Indígena)

SAI was formally recognized as an independent and non-profit organization in 1991. SAI's objectives are: Strengthening of indigenous organizations through leadership training, articulation and integration of women into development work, and the capacity building of human resources. Their main work themes are: Legalization of land/ territory; strengthening of indigenous organizations; training at three levels: community, associations, federation; development of human resources; Guaraní education.

The relationship with Norway started in 1994 through FAFO, and tied to the theme of Guaraní education. Later, there were annual contracts with RFN from 2005 and 2007, and currently one year agreements in the context of RFN's program document 2008-2012. The Federación Guaraní became a partner and part of three-way contracts since 2008. Their formal participation of Federación Guaraní in the agreement RFN-SAI is considered a value added by RFN since it became a three-way contract which contributed to strengthening the Guaraní Federation (and its nine associations). SAI's project funded through RFN in 2009 was called "*Guaraní education and strengthening of Indigenous Organizations*".

During the second week of field work, the review team had a group meeting/ interview with the Pai Reta Joaju Association (representing nine indigenous communities), a member of Federación Guaraní in the city of Pedro Juan Caballero. The team visited the relatively distant indigenous communities of Ivy Katu and Cerro Akangue (Pai Tavytera) in the district of Bella Vista, Amambay; and the indigenous community of Fortuna (Ava Guaraní), near Curuguaty, Canindeyu province, for a meeting with the NO'OVUSU association and a group of indigenous teachers of the Guaraní Education program. Through these visits to indigenous communities and collective meetings/ dialogue, the team could ascertain that in the eastern region of Paraguay the indigenous communities are well organized and their associations and Guaraní Federation are strengthened. The meetings were vibrant, enthusiastic and with hope for the future. They highly value the support from Norway through FAFO, Norad and now RFN. The greatest contribution has been to leadership training and to the development of appropriate Guaraní education in their communities, including the formation of 34 Guaraní education teachers who are in service and recognized/ paid by the Ministry of Education. Some of the trained indigenous teachers have even become supervisors in the education system. But these achievements in pertinent education have created a high demand and motivation for more and better education, so they want more teacher training and more support to their indigenous education projects.¹¹

¹¹ The team brought back formal petitions to RFN/Norad for extended support to indigenous education.

The role of women in the community and in the projects has also been enhanced since 2000. Women participate actively in the community through women's groups/ commissions, and their participation was evident during community meetings.

In spite of the great advances, the challenges are also great: the Guarani indigenous communities are surrounded by large cattle and soya farms (*estancias*) and several communities are located near the border with Brazil. Narcotraffic actors are present in the area and this creates pressures against the indigenous communities and even incidents where their communities have been attacked and people killed (such as the recent attack to the Ivyraija community in Amambay). Insecurity and forced displacement were cited as problems they face today.

In sum, the Guarani indigenous are the only ones protecting the few tracts of land left with forests in the eastern region, and this creates tension with cattle ranchers, soya farmers and narcotraffickers who are politically and economically powerful in this area, and in tune with an agro-export model promoted by the State. In order to preserve their cultural identity, protect their organizational and education advances, and be able defend their ancestral territorial rights, indigenous education and leadership training were mentioned as key to their survival.

Guarani Federation (Federación Guaraní)

It was created in 2002 with six organizations (currently it is comprised of 9 associations representing a total of 157 indigenous communities). It has statutes, but not legal recognition (*personería*). Objectives: defence of indigenous peoples' rights, land and territory. The board of GF is comprised of 27 people (3 representatives for each association who are elected through an assembly process). The Federation has presence in 7 provinces of the eastern region of the country. It represents 9 associations and 4 Guarani ethnic groups (Ava Guarani, Ache, Pai Tavytera and Mybia Guarani).

The Guarani Federation is considered a third level indigenous organization (meaning that it works at national, departmental and community levels), same as CAPI. They do advocacy at national and provincial level, as well as play a role as political and religious leaders at community level. They conduct periodic training on rights and laws.

Before 2007 they received support from Norad/ RFN through SAI. Since 2008, they are part of three-way contracts with RFN and SAI. They are required to present an annual project application and work plan. They value the direct support because they are able to administer their own budget, have access to training opportunities, autonomy to decide, and support from RFN on environmental issues.

Among the relevant *results*:

- The visibility and capacity of the Federation and leaders for political incidence at national and international levels;
- They were able, in alliance with CAPI and other organizations, to stop the modification of Law 904 in Congress.
- Spaces were opened for discussion of public policy, and contact with specialized agencies of the State established, which allowed for incidence in resolutions, etc;

- Professionalization of more than 30 indigenous teachers, and access to technical/administrative positions of the Ministry of Education by two of the trained teachers;
- Creation of the National Directorate for Indigenous Health;
- Participation in the Permanent Forum for Indigenous Peoples of the United Nations;
- Increased political presence and trust of organizations and communities, facilitating articulation – *“They come to us because we have gained credibility”*

PCI (Pro Comunidades Indígenas)

PCI started in 1995 as an initiative to support indigenous peoples and indigenous communities in El Chaco who want to propose actions from their own perspective/ vision, without the influence of the religious line of the Mennonite colonies. The support to health and informal training projects from Norad started in 1998. From 2000 there were proposals to articulate ideas to establish partnerships with indigenous organizations. In 2005 there is contact with CAPI, and from 2006 there was follow up and financial support through RFN. Later, they established a partnership with ACIDI and GACII, first with the support from ICCO, and then with RFN from 2007. PCI manages three three-way contracts with CAPI, ACIDI/GACII and NNE.

PCI performs articulated and low profile work with CAPI and ACIDI. It is the indigenous organizations who have gained visibility and capacity to formulate proposals. PCI follows up what the organizations do; it does not impose upon them. PCI did not become a political actor (different from Tierraviva’s approach); it is the indigenous organizations and their communities which become visible.

In 2009, the project funded through RFN was called *“Right and Participation of Indigenous Peoples-Paraguay (technical support to institutional process and incidence of the CAPI/ ACIDI organizations)”*.

PCI’s main results:

- Today the organizations supported (CAPI, ACIDI) are visible and have proposal development and incidence capacity;
- One achievement of the organizations is that now SEAM (Secretariat for the Environment) demands consultation and participation of indigenous peoples in any intervention or project (private or public);
- ACIDI is working towards the legalization of the Tekoha Guazú territory; in 2008 INDI recognized this territory as indigenous (Mbya). The legal petition is for 50 000 hectares; so far, 13 000 hectares have been legally secured;
- There is a notable change in the last five years – the indigenous peoples went from being invisible and manipulated to be able to speak for themselves through their organizations.

CAPI (Coordination for the Self-determination of Indigenous Peoples)

It was created in 2000 in response to the danger of the proposed modification of Law 904. It represents 13 organizations, 7 from the west and 6 from the east. They are legally registered. Objective: Autonomy and defence of indigenous peoples’ rights. It has a community base in nine provinces since 2006. The support to CAPI started with RFN in 2007.

CAPI's project funded through RFN in 2009 was called *"Strengthening of CAPI for incidence in national and international public policy for Indigenous Peoples"*.

CAPI is one of the indigenous organizations in high regard in Paraguay. It has achieved a high level of organizational capacity and is also able to represent the indigenous peoples before State agencies and institutions. They have published *"Propuestas de Políticas Públicas para Pueblos Indígenas"* (2009). CAPI has participated in several national and international fora, and is part of multi-agency committees to discuss important issues/ projects such as the REDD initiative, and the discussion on protected areas in indigenous territories.

The funds from RFN are channeled through PCI, as part of the three-way contract (RFN-PCI-CAPI). There is a discussion between PCI and CAPI on a process to gradually transfer accounting and administrative responsibilities from 2011. An expressed concern is that because of its visibility and enhanced technical capacity, CAPI may be at risk of receiving too many funds from different donors, and at the same time not have the administrative or management capacity to absorb them. One consequence may be, if not prepared, is that suddenly they become too busy with management and administration issues rather than working on political incidence.

NNE (Nengvaanemkeskama Nempayvaam Enlhet)

NNE, which means "Give life to our own word/ language", is a small research group dedicated to the recovery of language and values of the Enlhet people. The objective is the recovery of the content of the identity of the Enlhet people. The work started in 1995 with the original idea of record, recover, systematize and publish books about the historical memory of the enlhet and toba-enenlhet peoples; some books have already been published, others are being edited. The first agency that supported NNE was Norad. NNE is not exactly an NGO or an association because they don't have legal recognition (*personería jurídica*). Therefore, they don't provide services, except the recuperation of the cultural memory and identity through several activities such as a radio program started 2001. The objective in what NNE does is to increase the capacity for comprehension and cultural differentiation in relation to their own life and their environment, in order to increase the possibilities for self-determination in their own community life, and in their relationship with others.

NNE believes that the three-way contract and the administrative agreement with PCI works well for them because it allows them to focus on the work. But they feel that there is no serious exchange with the donor (on concepts), just inform, there is no feedback. There was no real change after the insertion of RFN as administrator; the changes are superficial, not qualitative. NNE does not see what the value added of RFN is. There is also a problem of lack of exchange and dialogue on the content of the project. The financial support, however, is highly valued by NNE, even if extremely limited. In fact PCI is of the opinion that NNE's budget should be doubled.

The name of NNE's Project for 2009 was *"Ethnic, linguistic and cultural strengthening of the peoples of the enlhet-enenlhet nation (particularly enlhet y toba-enenlhet)"*. Results: NNE has done intensive research work with 28 Enlhet elders for ten years, but this work has been done with many more, including toba-enenlhet elders; they have produced 700 hours of audio

material in ten years and 300 radio programs since 2001, as well as 7 films. Above all, the highest result is that a process of self-reflection, recognition and value of Enlhet's culture, values and language has started in the communities. This long process of self-reflection increases the possibilities for cultural differentiation and, thus, the possibilities for assertiveness and self-determination.

ACIDI/GACII

ACIDI (Asociación de Comunidades Mbya-Guarani de Itapúa) was formed in 1996 as 22 communities decided to form an association. They have statutes and legal recognition (*personería*) since 2008. Their objectives are cultural strengthening and territorial restitution. ACIDI is a member of CAPI. Mission: Legally secure their territory so that they will be living in land that belongs to them; in their own place and with a title. Structure: they have an assembly every three months. The board is elected by the assembly; 9 people comprise the executive commission with representatives elected for four years. They worked with GACII/PCI since at least 1999. *Decision making process*: It takes time, sometimes up to 2-3 days to make a decision; it is a process where all participate; the religious leaders have a lot of influence in the individual and collective decisions. Plan de Trabajo annual: proposal developed by executive board and GACII and then approved in quarterly assembly.

GACII is an advising and follow up group to the indigenous communities in Itapúa and to ACIDI. GACII/PCI is a technical group based in Itapúa since 2002. They have worked with ACIDI since 2002. Contact with Norad through PCI since 2002.

The agreement with RFN for 2006 and 2007 was annual through a three-way contract: RFN-PCI-ACIDI/GACII. ACIDI/GACII has continued to sign three-way contracts with RFN and PCI since 2008, but they have their own five-year plan for the period 2008-2012. The objective of the quinquennial plan 2008-2012 is two-fold: (i) Territorial restitution; and (ii) protection of communities in voluntary isolation. Expected results are: 1. Restitution of 78.000 hectares. 2. Restitution of minor territories.

The relationship with RFN since 2006 has been solid; there were no great changes. The annual agreements gives them security and more resources. Staff from Rainforest have visited the communities. The monitoring requirements are demanding, but it helps them as joint revision and learning; they become disciplined.

ACIDI/GACII's Results:

- 13 communities have land with title (4 titles still in the name of INDI); others in process of legalization;
- All 22 communities are recognized by the State;
- The State has recognized all 78.000 hectares as ancestral territory and of institutional interest (INDI); 220 families live in this territory (average of seven members in each family); of those 78.000, 13.000 have already been legally secured;
- SEAM signed an agreement with ACIDI that says that no project can be implemented in their territory without consulting with ACIDI

Iniciativa Amotocodie (IA)

IA was founded in 2002 as a non-profit association with objective of the protection of isolated groups, in particular those in the Amotocodie area. The population of Ayoreo are between 4 700 to 5 000, of which about 2 000 to 2 700 are in Paraguay. IA's objectives are: The protection of the isolated Ayoreo groups in Paraguay, the recovery of their historical memory and follow up to alleviate the trauma of the contact and colonization. Two themes: indigenous rights and environmental rights. The monitoring work of isolated peoples conducted by IA and UNAP at the border between Paraguay and Bolivia was recognized by the Bolivian government and the United Nations (methodology). The work of 10 years had incidence on the recognition by the state and international bodies of the rights of isolated peoples.

They worked with the indigenous Ayoreo organization UNAP. Two members of IA are advisers since 2005 (designated by UNAP's general assembly). From 2005 to 2009, IA and UNAP worked well together. UNAP gained capacity and had incidence in CAPI. From this year UNAP became weak due to the misuse of funds by the current group of elected leaders. RFN has suspended the support to UNAP for the rest of the year.

The name of IA's project for 2009 was *"Protection of the isolated groups and strengthening of the Ayoreo people in the world"*

Iniciativa Amotocodie's main results:

- The recovery of 25 000 hectares of territory;
- The judicial measurement of an additional 20 000 hectares;
- The purchase of 15 530 hectares with title in the name of UNAP.
- In addition, together with other organizations, SEAM demands the right to consultation of indigenous peoples in the face of any project (public or private) in their territories, as well as the right to control, access and make use of national parks in their territories.

UNAP (Unión de Nativos Ayoreo de Paraguay)

UNAP¹² was created in 2002 with 10 communities (six in Alto Paraguay and four in Boquerón). Currently they represent 13 communities (approximately 2000 people) of Ayoreo Guidaigosode. They are legally recognized since 2003. The objectives of UNAP are: Recovery of territory; defence of the rights of the Ayoreo people; and defence of the communities in isolation.

They did not have any significant support in 2004/2005. In 2006 they received support from Pan para el Mundo, and through RFN from 2007. For three periods they had worked well and had good results such as the HF radio in all the communities which facilitated

¹² Unfortunately, the review team did not meet with the current leaders of UNAP (from 2010) in spite of efforts to that effect. A meeting was scheduled in Filadelfia at the offices of PCI, but they did not come. However, we interviewed the two previous leaders of UNAP (2004-2009) who are familiar with the support through RFN and IA.

communication, particularly regarding health emergencies. However, they have faced a backlash by those who don't want the Ayoreo communities to have their own voice.

Results:

- The program supported by Norad/RFN facilitated resources so that it was possible to travel and do reconnaissance of the territory; visit and consult with other leaders and communities;
- Support to community leaders for administrative errands and learning processes;
- Support in case of health emergencies;
- Titling of 15.000 hectares for the isolated groups in 2008;
- Permanent monitoring for the presence of isolated groups and the risks of contact;
- Radio program since 2008 with the history of the Ayoreo people
- Frequency radio devices in the communities which facilitated communication and information

Annex B: Terms of Reference

Terms of reference for review of the Indigenous Peoples Program managed by Rainforest Foundation Norway (GLO-0850 GLO-06/010, GLO-0850 GLO-07/387)

1 Background

From 1983 to 2006, Norad provided direct support to indigenous peoples' organisations in Peru and Paraguay through the Indigenous Peoples Program¹³. In 2006, the Rainforest Foundation Norway (RFN) was given the professional and administrative responsibility to manage the programs in the two countries on Norad's behalf (as an addendum to the cooperation agreement 2003-2007). From 2008 the 'Indigenous Peoples Program' was integrated into RFN's cooperation agreement with Norad, under the same terms as RFN's regular program portfolio, though as a fully Norad-financed program (with earmarked annual funding at NOK 12,5 million).

RFN's current cooperation agreement with Norad (2008-2012) has a total tentative frame of NOK 60 million annually and covers thematic programs on rights-based, sustainable rainforest management in four continents.

In Paraguay, RFN works in partnership with 12 partners (five contractual NGO partners, one small, local NGO and six indigenous organizations) to secure indigenous peoples' rights, specifically land rights, to strengthen indigenous organisation and cultural identity (incl through bilingual education). RFN works with organisations targeting the four largest guaraní groups in the East, as well as the organisations of eight ethnic groups in Chaco, in western Paraguay. In addition, RFN supports indigenous peoples' umbrella organisation CAPI at national level. All indigenous groups in Paraguay are defined as the target group for the program.

In Peru, RFN works with six different contractual partners as part of the Indigenous Peoples Program. Two of the six partners are NGOs whilst the rest are indigenous organizations. Thematically, the work focuses on indigenous peoples' rights, establishment and protection of indigenous territories, incl sustainable rainforest management, and bilingual education.

This review is initiated to examine whether the Indigenous Peoples Program managed through the RFN has produced results according to the agreement and the unique Paraguayan context. The review will focus on results in Paraguay since Norad handed over the program to RFN in 2006, and on the value added of RFN to the program. For Peru, a review of the Indigenous Peoples Program was carried out in 2005 (before handover of the management to RFN). Since RFN's takeover of the Indigenous Peoples Program in Peru, two independent reviews have been carried out on partners involved in the Program.

The review shall assess and make recommendations as to how support to indigenous peoples in Paraguay should be continued after 2012. The analysis of the RFN managed program should be

¹³ The Indigenous Peoples Program included direct support to indigenous peoples' organizations in five Latin American countries, Brazil, Guatemala, Chile, Peru and Paraguay. In 2002-2003, the management of the Brasil and Guatemala programs was transferred to the Norwegian embassies in the two respective countries, while the Chile program was phased out.

viewed in light of overall developments in the programs managed by the Embassies in Brazil and Guatemala.

2 Purpose, context and intended use

The purpose of the review is to examine to what extent RFN through the Indigenous Peoples Program has achieved results (outcome and, if possible, likelihood of achieving impact) according to agreed program plans, and to assess the value added of RFN to the program in Paraguay. The review will also inform Norad's and RFN's decision on whether and how to continue the program in Paraguay.

3 Scope of work

The review shall provide an assessment of the following issues for the Indigenous Peoples Program as managed by RFN, using selected partnerships and projects of the program in Paraguay as case examples:

- Effectiveness: to what extent has the program achieved its intended results?; what is the reason for the achievements and/or non-achievements?; to what extent can identified developments be attributed to RFN's interventions?; what can be done to improve effectiveness of the program?; and to what extent is the program adapted to changing conditions? To what extent is the program making a differences among the partners?
- Relevance: how does the program respond to the political context in Paraguay, with a new government and Paraguay recognized as a Reduction of Emissions caused by Deforestation and Degradation (REDD)-land, and to the specific challenges of indigenous peoples in Paraguay? how does the program respond to the developments in indigenous peoples' organisation in Paraguay (moving from working with intermediary organisations to indigenous peoples' own organisations)?; Is the program dealing with RFNs overall goal of rights-based, sustainable management of forests? how do RFN and partners work to follow up the rulings of the Inter-American Court of Human Rights against the Paraguayan State in several cases regarding the situation of indigenous groups? is the program consistent and complementary with other related interventions?;
- Value added of RFN: how has RFN been able to use its competence and capacity to strengthen partners; how has it contributed to development of partners' knowledge
- Sustainability: what is the role of partners in program formulation?; how does the program address the challenges of securing a livelihood on established indigenous territories? Are there any changes in the situation of women or men that can be observed as a result of the program implementation?
- M&E: what has been the nature and quality of RFN's program monitoring? how can it be improved?
- Risk management by RFN and partners
- Anti-corruption measures: are sound routines for reporting, accounting and auditing in place?; are measures to avoid and detect corruption functioning satisfactorily?
- Efficiency: is there a reasonable balance between resources spent/input and results achieved?

4 Implementation of the review

Team

The review shall be carried out by a team of two consultants, one international and one local (Paraguayan national or from the region) with documented evaluation experience in the field of development cooperation, who are fluent in Spanish and who combined have expertise on

- indigenous peoples' rights (incl territorial rights), sociopolitical situation, and indigenous peoples' organisation in Latin America, and preferably Paraguay in particular
- civil society organisations as actors in the public sphere (as voice for the population and watchdogs and change agents vis-à-vis the state and private business), as well as a channel for development aid

- results assessment.

The international consultant shall be the team leader, and will be responsible for delivery of the final report. The local consultant will be hired by the international consultant (advice will be provided by Norad/embassies as required).

Methods

The review shall be based on a study of relevant documents, interviews with stakeholders and a field visit in Paraguay.

Relevant documents include:

- Addendum to cooperation agreement 2003-2007 for Indigenous Peoples Program (GLO-06/010),
- Cooperation agreement between Norad and RFN 2008-2012 (GLO-07/387),
- RFN programme plans Indigenous Peoples Program 2006-date,
- RFN annual reports Indigenous Peoples Program 2006-date,
- Organisational performance Review of RFN (Norad Report 9/2007 Review),
- RFN's policy and strategy for aid work,
- RFNs internal documentation on the Indigenous Peoples Program,
- Applicable guidelines for grants to civil society (2001),
- Principles for Norad's Support to Civil Society in the South (2009),
- Guidelines: Norway's Efforts to Strengthen Support for Indigenous Peoples in Development Cooperation. A Human Rights-based Approach (2004),
- Norwegian Action Plan for Environment in Development Cooperation (2006),
- Review of the Norwegian Support for the Indigenous People in Peru (2005),
- Norad's transfer notes for projects and country strategy notes (2005)
- ILO Convention 169 on Indigenous and Tribal Peoples (1989) (reference document)
- United Nations Declaration on the Rights of Indigenous Peoples (2007) (reference document)
- Any other relevant documents

Interviews shall be conducted with all parties the team finds relevant for the review, including RFN and partners in Paraguay, indigenous peoples' organisations (other than partners), peers, i.e. other actors who work within the same field in the same country (e.g. UN-agencies, national and international NGOs/CSOs), Norwegian Embassies in Brazil and Guatemala, Norad-advisers.

Paraguay has been selected for the country case. RFN did not have any program activities in Paraguay prior to taking over Norad's Indigenous Peoples' Program (as opposed to Peru, which was already a RFN program country).

Time schedule¹⁴

Activity	Deadline
Hiring of consultants	August/September 2010
Desk study and interviews in Oslo	September 2010
Meeting Norad/RFN/consultants to discuss the consultants approach to the ToR, preliminary findings from the desk study and interviews, and focus for the	27 September 2010

¹⁴ Subject to revision according to availability of consultants

field visit	
Field work Paraguay (ten working days)	September/October 2010
Draft report	25 October 2010
Comments to draft report by Norad and RFN (one week after submission of draft report)	1 November 2010
Final report (one week after comments)	8 November 2010
Presentation of the report; discussion of findings with Norad/RFN	November 2010
Publication at www.norad.no	November 2010
Workshop in Paraguay to share the results/findings/recommendations including all partners. The local/regional consultant should attend	To be decided with the partners.

Budget

See annex 1. The budget includes five working weeks for one international consultant, four working weeks for one local/regional consultant, travel expenses for two working weeks (ten working days), and a workshop in Paraguay after the end of the review.

3 Reporting¹⁵

The final report shall be written in English and translated into Spanish. The draft report shall also be translated into Spanish to allow for comments from RFN's partners. The final report shall contain an executive summary, including a list of recommendations. The report shall be no more than 20 pages, incl. executive summary. Appendices can be added. The final report shall be sent to Norad in electronic format (word).

¹⁵ The contract signed between Norad and Scanteam states that the draft report shall be written in English with a translation of the executive summary into Spanish, and that the final report shall be written in English with a full translation into Spanish.

Annex C: Persons interviewed

Norad

- Tina Hageberg, Adviser
- Turid Arnegaard, Senior Adviser on Indigenous Peoples Issues

Rainforest Foundation Norway

- Trond Berget, program coordinator
- Siri Nærland, administration officer and former program coordinator
- Anna Bjørndal, Amazonas Program coordinator
- Lars Løvold, executive director

RFN's Counterparts in Paraguay

- Oscar Ayala, executive coordinator, Tierraviva
- Julia Cabello, lawyer, program coordinator, Tierraviva
- Petrona Benítez, administrator, Tierraviva
- Jorge Vera, general coordinator, GAT
- Gladys Casaccia, sociologist and anthropologist, GAT
- Seven members of executive board, CLIBCH
- Fourteen members of executive board, Federación Guaraní
- Hipólito Acevei, president of executive commission, CAPI
- Julio Martínez, member of executive commission, CAPI
- Hannes Kalish, research group, NNE
- Rolando Unrun, research group, NNE
- Ernesto Unrun, research group, NNE,
- Manolo Romero, research group, NNE
- Carlos Giesbrecht, general coordinator, PCI
- Mirta Pereira, lawyer and advisor, PCI
- Jieun Kang, adjunct coordinator, Iniciativa Amotocodie
- Junior Alarcón, program officer, Iniciativa Amotocodie
- Poai, Gabidé and Ohoi, leaders of OPIT
- Aquiraoi Picanerai, former president (2004-2007), UNAP
- Mateo Sobode, former president (2008-2009), UNAP
- Emilio Caballero, general coordinator, SAI
- Ana María Fernández, lawyer, SAI
- Silvio Chirife, lawyer, SAI
- Luciano Cáceres Fernández, community leader, treasurer, ACIDI
- Santiago Chapano, community leader, secretary, ACIDI
- Domingo Leguizamón, coordinator, GACII (PCI-Itapúa)
- Lourdes Escobar, administrator, GACII

Independent Observers

- Monseñor Lucio Alfert, member of the Indigenous National Council (*Pastoral Indígena*), CONAPI, Filadelfia, Chaco

- Verena Regehr, anthropologist, Neuland, Chaco, Boquerón

Government Agencies

- Lida Acuña, director, INDI (*Instituto Paraguayo del Indígena*)

International Agencies

- Micaela Parras, AECID (Agencia Española de Cooperación Internacional para el Desarrollo)

Beneficiary Communities/ indigenous associations

- Comunidad Chaidí Totobiegosode, community meeting and with leaders of OPIT, Alto Paraguay, Chaco
- Comunidad Yakye Axa, community meeting including community leaders, womens' group leaders, Presidente Hayes, Chaco
- Community meeting with Association Paî Reta Joaju, including leaders, Pedro Juan Caballero, Amambay
- Community meetings with Ivy Katu and Cerro Akangue (Pai Tavytera) indigenous communities and their leaders, district of Bella Vista, Amambay
- Community meeting with association Ava Guarani NO'VOUSU and a group of teachers of the Guarani education program, Fortuna community, Curuguaty, Canindeyú

Annex D: List of documents and references

Documents:

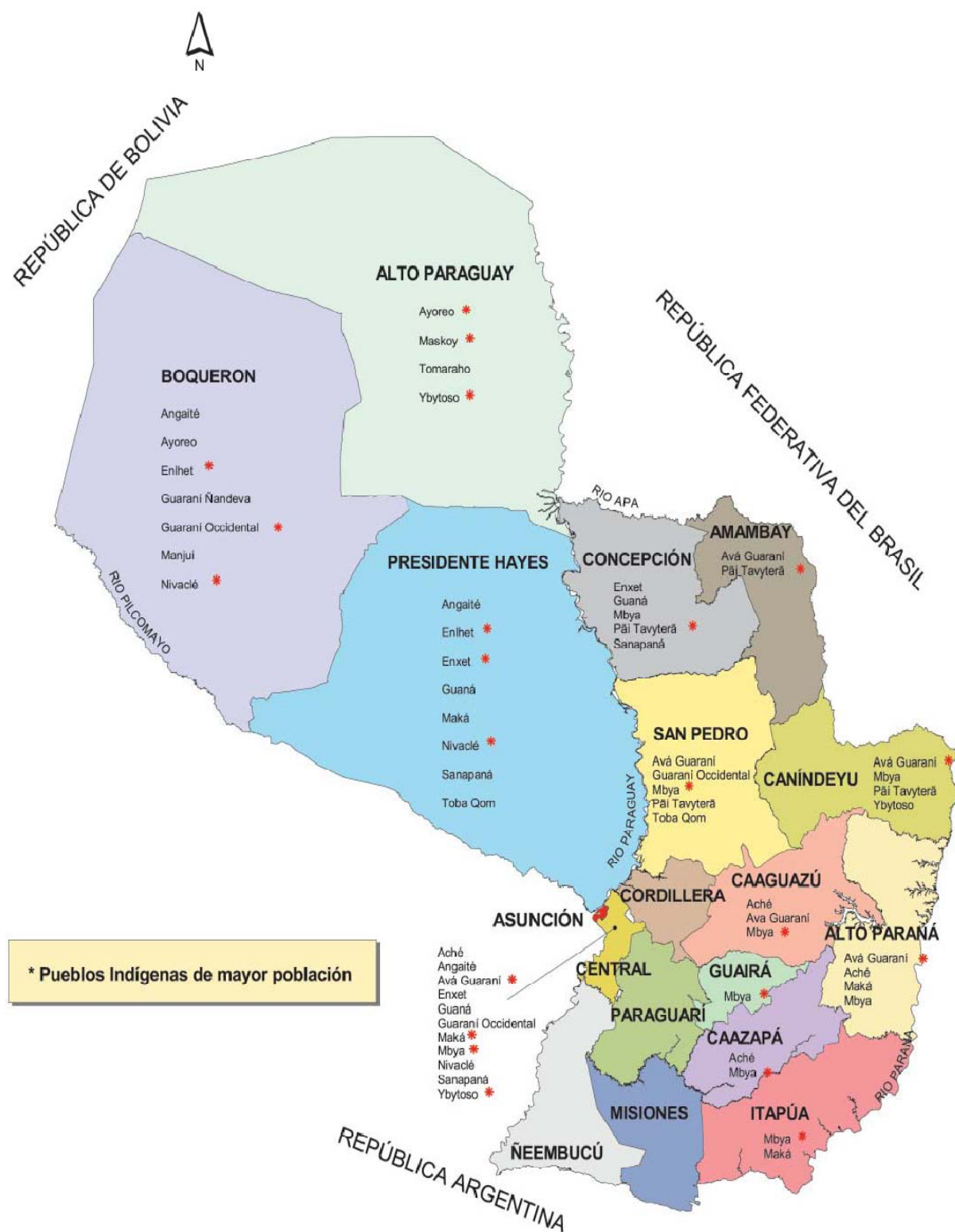
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6. RFN's policy and strategy for aid work
7. RFNs internal documentation on the Indigenous Peoples Program
8. Counterpart project documents (narrative and financial, annual applications, work plans, etc.) for year 2009 and some for 2010
9. Applicable guidelines for grants to civil society (2001)
10. Principles for Norad's Support to Civil Society in the South (2009)
11. Guidelines: Norway's Efforts to Strengthen Support for Indigenous Peoples in Development Cooperation. A Human Rights-based Approach (2004)
12. Norwegian Action Plan for Environment in Development Cooperation (2006),
13. Review of the Norwegian Support for the Indigenous People in Peru (2005)
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16. United Nations Declaration on the Rights of Indigenous Peoples (2007) (reference document)

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 11. Censo Agropecuario Nacional, Ministerio de Agricultura y Ganadería - MAG, 2008. Paraguay
 12. Revista DIM, febrero 2010. Consejo nacional de la Pastoral Indígena-CONAPI. Paraguay
 13. Dirección General de Estadísticas Encuestas y Censos - DGEEC. *Principales resultados de la revisión, actualización y mejora de la metodología de medición de la pobreza en el Paraguay. Período 1997-2008*, Paraguay

Annex E: Map of Indigenous Peoples, by Province, 2002



Source: General Directorate of Statistics, Surveys and Census. II National Indigenous Census, 2002

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