



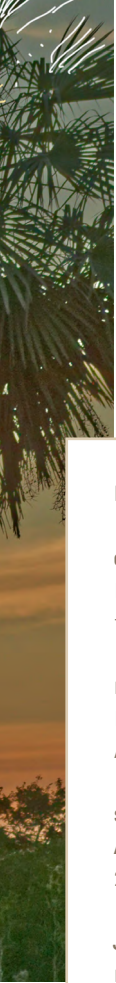
A PIECE OF OWNED LAND, THE LONG STRUGGLE FACED BY FORMER PUERTO SASTRE

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n ancient struggle for their homeland aggrieved by political and business interests. Today, 100 families from Puerto La Esperanza, or former “Puerto Sastre” town known by this name until now of the Carmelo Peralta district, Alto Paraguay department now face this. They are families who have had occupation and possession of 20,000 hectares for two decades, but have not been able to possess the property title.

“There are many politicians interested in our 20,000 hectares,” Héctor Acosta says, former president of “Colonia Puerto La Esperanza Neighborhood Commission”, referring to only part of the long history of struggle of the families who are originally from the place since previous generations were dwelling in the territory of state property that was previously uninhabited.

The Carmelo Peralta district is located about 730 km from Asunción, capital of Paraguay, and the former Puerto Sastre is there with official name today, Puerto La Esperanza, where the peasant population is working mainly with small livestock, raising other animals, and to a lesser extent in trade. Derlis Martínez, a teacher in the area, says very few families are indigenous people, although there are also indigenous families that are there collecting honey, and hunting.



FACTSHEET

CASE: A piece of owned land, the long struggle faced by Puerto Sastre.

LOCATION: Puerto La Esperanza, Carmelo Peralta, Alto Paraguay department.

SUBJECT/HUMAN RIGHTS

AFFECTED: 2- Agribusiness/ 2.3 Titling, and land issues

JUDICIAL/GOVERNMENTAL/

INTERNATIONAL CASE STATUS:

Judicial Measurement not registered in Cadastre. File frozen at INDERT, Instituto Nacional de Desarrollo Rural y de la Tierra [National Institute for Rural, and Land Development].

NUMBER OF FAMILIES

AFFECTED: 100 families

BRIEF DESCRIPTION: Inhabitants of the former Puerto Sastre have been living for two decades on a property of 20,000 hectares in the name of the Ministry of the Interior. Through a law, they have achieved the transfer of the property to the INDERT so that it can carry out the judicial measurement, and the subdivision in order to have titles for each family. This has not happened yet because of business, and political interests concerning land.

The property is registered in the General Directorate of Public Records as Estate No. 14,565, Registry No.10,509, in the name of the Ministry of the Interior, and through law 4,230 of 2010, it was transferred “free of charge” to INDERT, Instituto Nacional de Desarrollo Rural y de la Tierra [National Institute of Rural and Soil Development], an institution in charge of managing State properties in rural areas, and awarding those properties to peasant families in accordance with the Agrarian Statute (Law 1,866).

Both Derlis Martínez and Héctor Acosta point out innumerable obstacles that the inhabitants have been enduring, from political confrontations because various authorities want to “take over the cause” to economic interests since alleged “owners” of portions of their lands appear, a common problem in Paraguay, where vulnerable sectors such as peasants, and indigenous people are mainly those who face the most difficulties in accessing their own land, a right guaranteed in the National Constitution, but violated by the inaction of INDERT and of other apathetic state entities.

To plot the complexity of this quandary, it is enough to remember the data of the National Land Registry Service, dependent on the Ministry of Finance, of properties that have been registered with a total territorial size of more than 550,000 km² while the official surface of Paraguay in total is of 406,752 Km². This is due to the fact that unscrupulous people from the private sector, in collusion with corrupt public officials, obtain titles with illegitimate origins.

The documents that paint the complete picture are added to these data and to the stories of locals: There are strong attempts that, instead of 20,000 hectares, small producers be left with a “mutilated” property. Through a judicial survey, INDERT wanted to register only 17,237 hectares in the official records, but the National Land Registry Service prevented it because it found inconsistencies and made observations, and, in addition to the attempted dispossession, there are even politicians who claim to be owners of various parts of the property within the 17,237 hectares.

The judicial file 66/2015 for that measurement was processed by INDERT itself during the presidency of Justo Cárdenas, and this happened at the Civil and Commercial Court of First Instance of the Sixth Shift of the Capital, in charge of the Lawyer Gizela María Palumbo Arambulo, Secretariat 11.

It turns out that they “did not find” 2,762 hectares, and that is why there were only 17,237 left that they tried to register. How do almost 3,000 hectares “disappear”? Only in Paraguay is land “lost”? These are some questions that the villagers ask themselves. The surveyor, Gustavo Caballero Riveros, was the professional responsible for the measurement, and as in other instances that are performed in Paraguay, instead of settling what the title says on the land because a measurement is that, measuring exactly what the property title states, this surveyor also decided to discard thousands of hectares because he found other alleged rights on 2,762 hectares. It is a process that, according to the Civil Code, must be

defined in court. Only a sentence can legitimately define who has more rights to a property when there are conflicting titles, not a surveyor as in countless cases. In fact, the measurement cannot affect the possession or ownership of a property; it is a technical operation to determine the extension of the title on a piece of land (Art. 668 of the Civil Procedure Code).

"We hoped to have land from the time of the measurement, but that was not possible," Martínez says while commenting on details of the fight for titles on behalf of families.

From the time of the transfer law in 2010, an attempt was made to make the judicial measurement, and later, the corresponding subdivision. In 2011, progress was made with the population census, and when they finally achieved the desired measurement, it resulted in work considered irregular because it did not yield what the title said.

76 "Wealthy people always came, relatives of politicians to block the measurement. We have communal fields that they come to claim. They even come from Filadelfia. We don't know who's the boss. Nobody ever came showing a

title, but there are people who have a particular measurement from INDERT. An engineer was requesting 8,000 hectares, but the man backed down when the villagers found out," the professor says.

Both he and Acosta, the former president of the Neighborhood Commission, coincide in mentioning the same politicians as usurpers of their lands. Daniel D'Ecclesiis, a relative of Colorado deputy from San Pedro, Freddy D'Ecclesiis, who would have taken around 3,500 hectares. There are also Colorado representatives Clemente Barrios, with 300 hectares, and Nardi Gómez, once Colorado representative of President Hayes, for 800 hectares. Three names appear within INDERT file in the case (File No. 7,596/08).

"They got ahead of us. The problem is we are scattered. 60% of people are towards the river with their lots well marked, and the other 40% are not, so when we complained to INDERT (about this situation), they told us that they could do nothing because it is unregistered (property in INDERT's name), and we went to the Ministry of Interior which contradicted: 'But we already transferred'. They pass the buck," Acosta says.

The survey plat shows other data that add complexity to the story as they indicate who is neighboring, and even some are also within the disputed property. They are: the Fariña to the North, Rancho Alegre to the South to the west, the Cartes Group of the former president of the Republic with his Cerro Guazú ranch, today "Niña Pora", and Estancia Campo Verde towards the East.

Acosta also points out that José Domingo Adorno, governor of Alto Paraguay, is a member of INDERT Advisory Board on behalf of the Council of Governors, "and unfortunately, he has no comment; he did nothing for us during his mandate, but only for Casado which is his locality." As if the attempted theft of their land was not enough, small producers have to endure political quarrels in the area where the authorities are fighting over who will be in-





volved in the cause to win potential voters. "Unfortunately, there is a political struggle between governor (José Domingo Adorno), and deputy Marlene Ocampos in our department. If we ask a favor of one of them, the other one gets angry, and in the end, none of them is there," he adds.

For now, regularization of land is still postponed, as the case is stuck in INDERT, where they did not even authorize renewal of the neighborhood commission requested February 2020 through a letter. The residents believe that this is not by chance since the commission promotes regularization, but that goes against other powerful interests.

The file No. 7,596 of 2008, "Commission Colonia Puerto La Esperanza", is in the direction of the Western Region of INDERT. The folder contains complaints against some of these irregular occupants, such as the one made in 2016 against Daniel D'Ecclesiis for allegedly having ordered the burning of the homes of locals. There were reports by journalists in national media about this.

The general director of the Western Region of INDERT, Liz González, points out that the file is effectively frozen. The last movement registered was the appointment of the lawyer Blanca Aranas, legal director, as the person in charge of the case on June 9. "Due to the pandemic, all the procedures were also being delayed, and until now, it was practically paralyzed. Today we are facing a change of authorities (in the Western Directorate), and the procedures will show no progress until further notice, so for now, the file is not going to move," she says.

It is not an answer that the residents of the former Sastre Port wanted to hear, and for that reason, they do not know which way to turn next because almost all the doors are closed. They had already experienced the same situation in 2019 during the current Government when the Land Commission of the Chamber of Deputies asked the INDERT to report on the case. The agrarian entity responded by sending a brief summary, but the procedures remained there in a simple exchange of information without serving to help small producers who are still waiting for the subdivision of 100 hectares per family, as established by the law that made them "beneficiaries".