

ADVISORY GROUP ON FORCED EVICTIONS (AGFE) TO THE EXECUTIVE DIRECTOR OF UN HABITAT

Mission to Dominican Republic

8th to 13th March 2005

Executive Report¹

Introduction:

The AGFE Mission² that visited the Dominican Republic between 8th and 13th March 2005, presents the following report after being invited by the Municipalities of Boca Chica y Caleta, Santo Domingo, as well as by “Espacio de la Tierra”, that gathers over sixty civil society’s organizations.

A file (appendix) containing cases’ testimonies, press clippings, Dominican legal documentation was delivered by *Espacio de Coordinación Urbano Popular* and other organizations.

The first six points show in detail the work carried out by the Mission. The following points contain a detailed description of the information contained in the appendix.

The AGFE Mission to the Dominican Republic carried out its work in an exceptionally complex situation, persisting in opening new ways and new commitments between the diverse stakeholders involved, aimed at finding effective solutions to stop the forced evictions in this country.

1. Context:

The Dominican Republic comprehends 2/3 parts of the Santo Domingo Island, with an area of 44.422 km², a population of 8.562.541 inhabitants, a coastline of 1.575 km, and a 388 km border with Haiti. It has 32 provinces, a Federal District and 120

¹ Translated from the original spanish version by team members.

² Yves Cabannes, Convener AGFE, Pedro Franco (nacional expert) and Carlos Escalante (International expert).

municipalities.

63% of the population lives in cities, and 3rd. part of the population lives in the National District and Santo Domingo Province, with a population growth rate of 2%. 32% of the population lives under the line of poverty, whilst 20% of the population controls 50% of the income. The country applies less resources to education than the average in Latin-American, and has an illiteracy rate of 17%. 35% of the population has no access to drinking water, 22% has no access to sanitation, and the infant mortality rate is higher than the average in the region.

75% of the housing is self constructed, whilst 50% of the population has no deeds for the land where they live. The lack of deeds and the insecurity of tenure are the main causes of forced evictions.

Eviction's Map:

Forced evictions are a common practice all over Dominican Republic, but they are even more so in the Federal District and in Santo Domingo Province. The provinces of San Francisco de Macorís, La Vega, Samaná, Puerto Plata, La Altagracia, San Pedro de Macorís, Azua, Barahona also suffer forced evictions.

In the Federal District, at the present time, more than 200.000 inhabitants from La Zurza, Capotillo, Simón Bolívar, 24 de Abril, Gualey, Los Guandules y La Ciénega neighborhoods are currently under the threat of forced eviction. More than 30.000 people would be displaced in order to allow the opening of the Avenida del Río Occidental (Rio Occidental Avenue) according to the RESURE Plan.

Santo Domingo province is the most affected by the lack of title deeds, situation that affects more than 75% of the population. Neighborhoods like Los 3 Brazos and other from the eastern margin of the Ozama River face the threat of eviction because of the construction of the Avenida del Rio Este (East River Avenue). A similar situation is faced by the inhabitants of Brisas del Este, Villa Esfuerzo, Isabelita y Los Frailes in Santo Domingo Este Municipality, as well as Valiente, La Caleta, Campo Lindo,

Brisas, Santa Lucía in Boca Chica Municipality. Forced evictions take place also in Santo Domingo Norte Municipality and in Santo Domingo Oeste Municipality.

Relationship between Espacio de Coordinación Urbano y AGFE

Espacio de Coordinación Urbano Popular por la Defensa del Territorio (Espacio de la Tierra) groups more than sixty urban organizations from the civil society. During the last five years, these organizations have resisted forced evictions, as well as have made concrete proposal to overcome the practice of forced evictions, like the bill on the Urban Land Tenancy (Anteproyecto de Ley del Suelo Urbano).

Espacio de Coordinación Urbano Popular por la Defensa del Territorio presented in 2003 a Report on the Economic Social and Cultural Rights, and delivered in 2004 a complementary report on Forced Eviction Cases to AGFE that was analyzed and discussed during the WUF in September 2004. In February 2005, an updated report on Forced Evictions was also presented.

The composition and the why and the wherefore of the Mission:

The AGFE Mission was integrated, considering the current situation in the field of forced evictions in Dominican Republic, by Ives Cabannes, AGFE Coordinator, Carlos Escalante from Campaña por la Seguridad de la Tenencia, Perú, and Pedro Franco, from Dominican Republic in virtue of his international experience in the defense of the ESCR and his relationship with the UN-HABITAT Campaigns.

2. Objectives:

The following were defined as the Mission's Objectives:

- 1) To evaluate the actual situation in the field of Economic Social and Cultural Rights, and specifically Housing Rights.

- 2) To submit its experience and knowledge to the central Government, Municipalities, the Congress, the Judicial System and the NGOs in the enforcement of laws and international agreements on human rights pertaining to housing rights, and protection against forced evictions.
- 3) To suggest the exchange of experiences and good practices from other countries to prevent and avoid forced evictions.
- 4) To propose alternatives at the local level to stop the forced evictions.
- 5) To agree a timetable to monitor and study the progress in the forced eviction's field.

3. Activities

3.1 Visits to the following neighborhoods

- A) Boca Chica: Santa Lucía, La Caleta, Valiente.
- B) Santo Domingo Este: Isabelita (Av. España, Calle 12, Paraíso, Los Hoyos de los tres ojos, Parque del Este). Brisas del Este, El Tamarindo y Villa Esfuerzo.
- C) Santo Domingo Oeste: Guaricado y Sabana Perdida (Barrio La Islita y Proyecto INVI La Virgen)
- D) Distrito Nacional: La Cienaga, Gualey y Los Guandules.

Other neighborhoods presented their experiences and testimonies during the Public Session held on Saturday 12th, March by the AGFE Mission. The location and current situation in these neighborhoods is described:

DESCRIPTION AND PROBLEMS:

BARRIO VALIENTE

Plots No. 213, 210, 210B-4, 210B-6, 214 and 215 among others, District No. 32, situated at km. 23 of Autopista de las Américas (Americas Highway), Boca Chica Municipality, Santo Domingo Province.

This neighborhood has been suffering forced evictions since 1999. According to Santos Carvajal Mota, President of the Community Council of Valiente (CODECOV) central organization that fights against forced evictions and member of the Espacio Urbano Popular, more than ten thousand families face the threat of forced evictions, among them three thousand families that live in the Plot 210-B that have been notified by Mr. Johnny Contin. Mr. Pedro González, together with other five families, and Mr. Bautista Angeles, whose house was destroyed in two opportunities by a private company, face also the threat of a forced eviction. Besides, 350 private claimants offered the government to permute the title deeds, so the government can issue the deeds to the inhabitants.

LA CALETA

Plots 218B, 218A, Boca Chica Municipality.

This Neighborhood was originally settled where the Airport is today, and was displaced in order to allow the construction of the airport and the Autopista de Las Americas (Las Americas' highway). This neighborhood, as well as other plots in Campo Lindo, has been severely affected by forced evictions, and continuously receive citations of eviction, even though the original deeds belonged to the inhabitants, as it has been pointed out by the Coordinator of FRENPROCA, Sócrates Peguero, local coordinator of the Espacio Urbano Popular Committee.

SANTA LUCIA AND BOCA CHICA NEIGHBORHOODS.

This neighborhoods, situated in the Boca Chica Municipality, south of Las Americas Highway and north of Las Americas International Airport, plots 483-3, 485 and 486 are currently facing the threat of forced evictions. 249 families are currently in danger of being evicted.

Among the claimants, the Santa Lucia neighbors' Committee mentioned Mr. Julio Puello, Mr. Ramón Emilio Simó Santos, and Mr. Miguel Clan. In Boca Chica, it has been denounced that the inhabitants of the plot 305-1 are in danger of being evicted

by Mr. Hugo Arias Fabian who claims 1522 tareas (1 tarea= 629 m²). The same Mr. Fabian, sold this land in 1996, when he was a member of the Accounting Chamber of the Republic, to Compañía Inmobiliaria Inversiones Dominico-Españolas SA, company that he claims to represent now.

He sold the land even though it was occupied by more than two thousand families, and this families are today in danger of eviction. Among these families we can mention Manuel Bernal, Domingo Pérez, Julio César, Daysi Rijo, José de los Santos, Felix Javier.

BRISAS DEL ESTE

Neighborhood situated in Santo Domingo East Municipality, parcel 185-171, D.C. 6. By Decree No. 381-92, some of these plots were declared of public utility, and today the inhabitants face the threat of a forced eviction. The neighborhood was established after the forced evictions of 1986-1992.

Nowadays, more than thirty thousand inhabitants face serious threats of being evicted by private claimants who present citations signed by the State Attorney Mr. Nelson Montás, according to a report presented by the president of UPROBRISAS, Mr. Soler Pérez.

Among other cases, he cites the following: the Primary School 24 de Abril, built by the community and with 600 students is under threat of eviction, as well as many families from Villa Elisa II like Miguel Ángel, María Bidó, and Teresa Leiva Javier.

ISABELITA NEIGHBORHOOD

Situated by the Caribbean Sea, this neighborhood is part of the Santo Domingo Municipality, and was established after the fall of Trujillo's Dictatorship, and grew after several migrations of inhabitants from other provinces and from neighborhoods in the central area of the city, between 1979 and 1992. By Decree 90-74 the plots were the neighborhood is situated (plots 178, 179, 203, etc.) were declared of public utility. The organization that coordinates the struggle against forced evictions and pro the issuing

of deeds is Club Hábitat. Its coordinator is Argentina Peña. The neighborhood has suffered several forced evictions (1986-1992, 1997, 2004) and among the claimants the following can be mentioned: Joany Radhamés Ruiz Pou y José Rojas Canaan (against family Checo, 8/8/97) Nioves Peña González (evicted 20 families on street No. 12 on 8/11/97) Miguel Ángel Velásquez Matos (evicted Mr. Fausto Brito and the shop Super Gavi on Spain Avenue). The worst problems today are: 1) 26 families in km. 26 of Autopista de las Américas (Las Americas' Highway) are in threat of being evicted by Mr. Rolando García, who, according to the inhabitants, on 9th. July tried to execute the eviction together with a group of armed civilians protected by Colonel Santa María from the National Police, destroying the houses and stealing property and money. 2) 19 families that live in Street No. 12, No. 116 reached an agreement with the claimant, Sócrates Olivo, and bought the land, consequently stopping a forced eviction against them ordered by the Supreme Court of Justice.

PARQUE DEL ESTE

This neighborhood is situated south of Las Americas Highway, Plot 178-B. The land was declared of public utility by Decree 381-92. More than 20 families were evicted to build the south lane of the Highway. Many others have been notified of eviction for the construction of the highway and other public works, by the Secretary of Public Works. The community claims zero evictions, and relocation of the families already evicted. Club Habitat is the community organization that coordinates the struggle against evictions.

LOS TRES OJOS, is a neighborhood situated in the surroundings of Isabelita neighborhood, close to the Touristic Park. With precarious houses, built in hollows called "Hoyos de María", it lacks public services and title deeds.

VILLA ESFUERZO NEIGHBORHOOD

Situated in Santo Domingo East Municipality, on plots 2 and 28 of District 6, it has 60 thousand inhabitants. These plots were rented by the Porcella Family to the State Council of Sugar in 1958, and during the privatization process of the public companies (1996-2000) the land was returned to the Porcella family, without granting any protection to the inhabitants of the settlement, although the State issued deeds by

Decree 784-02. Currently, many companies are promoting forced evictions, like La Esperilla Land, Paraiso Caribeño, Los Corales and Inmobilia, the last one owned by the Secretary of Tourism Mr. Félix Jiménez, close friend of the President Mr. Leonel Fernández.

A demonstrative eviction

On 9th. March, a violent forced eviction took place in this community, moments after the Mission had a meeting with the State Attorney Mr. Nelson Montás, the Governor of Santo Domingo Province Mr. Renato García, and the President of the Presidential Commission for Neighborhood's Development, Mr. René Jaquez. Heavy machinery destroyed 600 houses, according to the press (El Caribe newspaper) and the representatives of the community Hilario and Amparo Ruiz, even though 105 families had deeds issued by the government. The Mission visited the place and the Governor of Santo Domingo Province promised the intervention of the government to repair the damages caused to the inhabitants that have deeds.

LOS FRAILES NEIGHBORHOODS, situated on km. 10,5 of Autopista de las Américas (Las Americas Highway), Santo Domingo Este Municipality, plots 217-B-A-1, District No. 6. Some of the inhabitants that were at the Public Session held on 12th. March denounced the threats of eviction and the citations received by the inhabitants.

SAN BARTOLO NEIGHBORHOOD, situated between km. 12 and 13 of Las Americas Highway, by the Caribbean Sea, Santo Domingo Este Municipality, denounced in the Public Session that 8 families are currently facing the threat of a forced eviction.

LA CIENAGA, GUALEY, LOS GANDULES

Neighborhoods situated by the Ozama river, in the Federal District. More than 30 thousand families live in this and other neighborhoods threatened of eviction by the RESURE Plan, that pretends to displace this families and relocate them in other neighborhoods. Ciudad Alternativa and COPADEBA elaborated a proposal called Plan Cigua that attempts to obtain a relocation agreed with the inhabitants. It is estimated that a similar number of families could be displaced from the east margin of the Ozama River for the construction of the Avenida del Río (River Avenue) according

to the RESURE Plan.

GUARICANO and SABANA PERDIDA,

Both located in the municipality of Santo Domingo Norte

Barrio La Islita, Sabana Perdida Sector. Proyect INVI – “La Virgen”

On a visit with COPADEBA to sectors La Islita and Proyecto La Virgen one could appreciate alternative communitarian work. This zone is isolated in rainy weather due to flooding. To handle this situation Father Nelson Acevedo, the parish priest of the zone, fostered the relocation of 80 to 90 families to the State Housing Program “La Virgen”. As commonly happens, and as related to us by the settlers, the program originally established to relocate families living in floodable areas ended up benefitting families linked to the government party. At this time only 30 families have been relocated; 14 additional families have not been relocated because available housing has been invaded, according to settlers, and they will have to wait for another proyect. There are 440 housing units of 50 to 55 m2 construction size. They have electric energy service, but the energy bill is higher than what was initially agreed upon. They have sanitation services, but the area is infested with mosquitoes, and the water supplied by truck tanks and at the housing units is not properly treated (“no cuentan con acabados”). According to settlers only 200 to 250 housing units are occupied, and other settlers have not been authorized to move in. Settlers have to pay an initial fee of 20,000 Dominican pesos (about 400 US dollars at the current exchange rate), and must pay a monthly rent that fluctuates between 730 to 2000 pesos. However, settlers indicated that families relocated from La Islita are not paying the rent because they have not yet received the official contract: they only have a permit to occupy the housing units.

3.2 Meetings with official institutions

- a) “Espacio de Coordinación Urbano Popular”
- b) Municipal governments of Boca Chica and la Caleta
- c) President of the Chamber of Deputies, Sr. Alfredo Pacheco Osoria
- d) Governor of Santo Domingo Province, Sr. Renato García
- e) President of the “Comisión Barrial”, Sr. René Jáquez
- f) State Attorney, Dr. Nelson Montás Quezada
- g) Parliamentary blocks of the National Congress

h) Central Government: Coordinator of European Funds, National Housing Institute INVI, National Commission of State Reform CONARE, General Directorate of National Resources

3.3 Multisectorial meetings

- a) National Federation of Municipalities FENAMA, Municipality of Santo Domingo Este, Municipality of San Pedro de Macorís, “Espacio de Coordinación Urbano Popular”, Central Government Institutions: Provincial Governor, State Attorney, General Directorate of National Resources
- b) Central Government Institutions: INVI, CONARE, ONFED, National Resources,
- c) Public Hearing with social organizations

3.4 Media participation

The Mission’s activities, in particular the parliamentary session, were widely covered by national television channels, radio stations and newspapers – see addenda for details – Furthermore, the Mission was invited to three TV presentations (State Channel RTVD, Channel 15 Telemicro, and Channel 45) of 30-minute duration each, and in prime time.

4. Results / output

Results reached during the AGFE Mission are organized according to the report’s first four objectives. Follow-up activities are detailed in item 5 and correspond to the fifth objective of “agreeing on a timetable to monitor and observe advances in controlling evictions (“desalojos”).

4.1 Regarding Objective 1: Appraisal of the status of Economic, Social and Cultural rights, particularly in regard to Housing Rights

We must mention that the Dominican Republic traditionally has lacked a state policy for safeguarding the housing rights of the economically poorer social sectors. On the contrary its housing policy has been oriented to fostering urban development in cities that favor those interests that are closer to the power elite, and evicting the poorer families toward peripheral areas. It is true that this policy has been attenuated in later years, a fact that is included in the Report to the Committee of DESC. Evictions were reduced and even stopped. However, it is quite worrisome that these practices have restarted, as shown by

the eviction of 600 families from Villa Esfuerzo.

This week's evictions in Villa Esfuerzo mark the continuation of the practice, in moratorium for the past 6 months, of violently removing families from land that they have occupied for several years. We must also mention that this time the State did not take into account that more than a hundred settlers had property deeds ("títulos") granted by the State Sugar Council CEA, that they had built their houses and that State agencies had granted them water and sanitary services as well as roads, etc. This way one State entity carried on the destruction of what other agencies had helped to develop.

In the same way we have been able to corroborate the existence of state organizations and procedures that concentrate the decisional power over evictions and that, based on the "carácter ejecutorio" of the land property deeds authorize the evictions with the participation of third parties that do not respond to state agencies but rather are agents of the private eviction plaintiff. This situation becomes even more alarming insofar as there have been official expressions that undermine the legitimacy of land property ownership. In this sense the Mission has gathered the manifestations of provincial and municipal authorities that claim, for example, that more than one deed has been presented for the same plot of land, or that such deeds lack precise geographical references that may allow determining their exact location.

Furthermore the fact that more than 70% of the population lacks deeds drives home the point that the problems of safeguarding land ownership and of evictions cannot be seen exclusively from a legal perspective. Rather one must take into account the social dimensions of these problems. In any case it must be kept in mind that providing land for the whole population, including those less economically privileged, is a pending task for state authorities and society as a whole. Such provision should correspond to the magnitude and socio-economic characteristics of the different social segments that demand housing.

On the other hand we have been able to appreciate positive steps in the activities of diverse agents, both in the government and within civil society. Among the first are:

- Actions of the Governor of the Santo Domingo Province, Señor RENATO GARCIA, in conflict mediation over land, the establishment of a legal counseling unit to assist

- settlers, and the search for solutions that take into account the legitimate interests of all concerned parties, the legitimate deed holders as well as those that have built housing and urbanized previously inhospitable land. Those lands have gained value and contributed to the appreciation of neighboring areas.
- Legislative initiatives of state agencies that declare the public value of attending to diverse lands (see corresponding addendum) and actions by representatives of civil society such as the “Espacio de Coordinación Urbano Popular por la Defensa del Territorio”, which has elaborated a bill- Law Regarding Urban Land Occupation (“Ley sobre Tenencia de Suelo Urbano”; see corresponding addendum).
 - Several municipalities such as Boca Chica, La Caleta y Santo Domingo Este have shown a disposition to find solutions to the problem of the legal insecurity of land occupancy and forced evictions, based on a social and not exclusively on a legal characterization of the problem. To this must be added the availability shown by the National Federation of Municipalities to work in the Territorial Organization (“Ordenamiento Territorial”).
 - A very active civil society, organized in the “Espacio de Coordinación Urbana Popular Por la Defensa del Territorio”, composed of various social organizations with the backing of non-lucrative institutions. This Espacio not only offers counseling to settlements in their business (“gestiones”) with authorities and private parties in the defense of housing rights and against massive evictions, but also has elaborated an alternative housing proposal, presented as a bill on urban land occupation. Such activities identify the Espacio de Coordinación Popular as a valid interlocutor, capable of contributing to proposals regarding access to land and housing in this country.

It is important to highlight the disposition to dialogue and agreements demonstrated by various agents that have made possible the joining of multiple forces (“multiactoral”) to face jointly the elaboration of normative instruments. The President of the Chamber of Deputies merits a special mention for his openness in elaborating norms oriented to surpass the insecurity of land occupancy and the threat of evictions over poorer families beyond traditional party lines. Similarly during the presentation of conclusions of the AGFE Mission and the meeting with central government agencies linked to the housing sector, diverse national, provincial and municipal agents manifested their openness to processes of dialogue and agreement to find solutions that may be beneficial to all concerned parties.

4.2 Regarding Objective 2 To offer experience and knowledge to Central Government agencies, municipalities, Congress, the Judiciary, social movements and NGOs regarding the application of international laws and treaties on human rights insofar as they apply to housing rights and protection against eviction.

Significant contributions have been made to improve the bill “Espacio de Coordinación de la Tierra” with regard to the following areas: Titulación (“Deeds”), Procedimiento y valorización para las reubicaciones (“Procedures and establishment of value for resettlement”), indemnización para mejoras (“indemnization for improvements”), procesos de planificación de los barrios (“planning processes in neighborhoods”), Fondos y Recursos para la regularización y el mejoramiento de la vivienda (“Funds and resources for housing regularization and improvement”), de las instancias, del concepto de vivienda digna (“concept of proper housing”), etc.

In a similar manner we have offered suggestions to different state institutions, municipalities, and the Chamber of Deputies.

4.3 Regarding Objective 3 To exchange international experiences on proper practices to prevent evictions

Based on the presentation of experiences in land regulation in Thailand, México, Brazil y Perú, the Government of the Province of Santo Domingo has shown its disposition to turn the case of Villa Esfuerzo into a symbolic case (“emblemático”) that would put eviction practices in a different light, recognizing the rights of property owners and investors, but also those of settlers who with their work have added value to the land. It also backs housing reconstruction based on a loan program from a fund for popular housing.

4.4 Regarding Objective 4 To propose local alternatives that may lead to the elimination of forced evictions

For this objective we reached the following results based on bilateral coordinations and multi-actor meetings:

- a. Establishment of a multi-party parliamentary commission to review legal initiatives submitted to the Congress by social organizations. Such a commission would be entrusted to formulate a normative proposal that integrates and actualizes such proposals and any others deemed proper to eliminate the practice of forced evictions and bring land occupation security to economically disadvantaged settlers.
- b. Establishment of a national tripartite “round table” (mesa nacional de concertación tripartita) that, based on congressional activities, includes municipal representatives (mayors [síndicos], the national municipalities federation) and the Espacio de Coordinación Urbano Popular por la Defensa del Territorio, representing civil society. This Mesa de Concertación would also participate in the analysis and formulation of the normative proposal.
- c. Institutionalization of support offices for settlers faced with eviction in different areas: Provincial Government, Boca Chica Municipality, community organizations related to the Espacio de Coordinación Urbano Popular por la Defensa del Territorio
- d. Agreement of mayors (“síndicos”) to petition the National Government and the Congress to stop forced evictions until the law to safeguard land occupation is elaborated (“formulada”).

Other Results

The following topics have been made part of the national agenda: Titulación (“Deeds”), evictions, forced evictions, public usefulness declaration (“declaración de utilidad pública”), permuta de tierra (“land exchange”), etc. These topics have been discussed in several public institutions such as the National Congress, the Governor of the Santo Domingo Province, Mayors (“Síndicos”) from diverse municipalities, etc. Similarly, initiatives and progress in dialogue and agreement to eliminate the practice of eviction and safeguard land occupancy have been widespread through mass media, such as television, radio and newspapers.

5. FOLLOW UP ACTIVITIES

Chamber of Deputies:

The Mission met twice in the Chamber of Deputies, first with its President, Señor Alfredo Pacheco (08-03-05) y el 10-03-05 had a meeting, coordinated by the President, with the various political blocks represented in the Chamber of Deputies. Deputies agreed to initiate the process to submit a bill, “Proyecto Consensuado de ley de Titulación” and to its approval within 10 months, with the following obligations:

- To name the parliamentary commission (previous to March 31).
- Inform AGFE, the Executive, the Espacio Urbano Popular y FENAMUS
- Letter addressed to the President of the Republic, with a copy to the State Attorney (moratorium on evictions until the law is voted on).

Espacio de Coordinación Urbano Popular:

In two meetings with the Espacio de Coordinación Urbano Popular, this organization confirmed their will to participate in the round table and established the following timetable:

- Socialize the results of the Mission (prior to March 31)
- Workshop to update bill (April 8 and 9, 2005).
- Public diffusion (“difusión”) and awareness (“sensibilización”) of the bill (April-June).

FENAMU:

The Municipal Federation agreed to participate in the Mesa de Diálogo for bill approval, with the National Congress and the Espacio de Coordinación Urbano Popular and the acquiescence of the Central Government. It agrees to:

- To promote the approval of a Municipal Resolution (“Resolución Municipal”) to stop forced evictions.

PROVINCIAL GOVERNOR / ESPACIO

The Mission met several times with the Governor of the Santo Domingo Province, Señor Renato García, first on 09-03-05, and he agreed to the following:

- Activate the multiparty office (“Oficina mixta”) on evictions (12/4/05).
- Coordination between lawyers from both institutions.

- Move for the immediate solution favoring the families that were violently evicted in the barrio Villa Esfuerzo.

CONGRESS, ESPACIO Y FENAMU

Due to the Mission's activities the following agreements were reached:

- Establishment of the Mesa Nacional de Concertación (prior to April 30).
- Documentation ("Levantamiento") of eviction threats (eviction observation ["observatorio]).

UN- AGFE

The Mission received ample documentation and testimony about evictions and had the opportunity to have a direct look at the situation in visits to barrios and in massive meetings, such as those carried out in Valiente, Isabelita, Brisas del Este, Los Tres Ojos, Parque del Este and some 500 persons in the Public Audience on Saturday, March 12. Hundreds of a thousand families participated in the Mission visit to Villa Esfuerzo, the barrio subject to eviction, on Sunday, March 13.

All actors demanded follow-up, monitoring and the collaboration of UN- AGFE during the process of elaboration-promulgation of the "Ley de Titulación".

6. Lessons learned:

Many lessons can be learned from the Mission's activities in the Dominican Republic. We want to highlight the following:

a) The existence of forced eviction practices in this country, which in some way have been justified by national laws, particularly Ley 1542, which shall hopefully be repealed by a recently approved "Ley de Registro Inmobiliario". Ley 1542 establishes the authority of the State Attorney before the Land Tribunal (please refer to the extract of this law in the addenda), who by representing the State and having multiple functions, se resalta (cannot translate), as Sr. Nelson Montás himself expressed to this Mission: "***I represent persons that have deeds***" and "***evictions always have to be violent***".

b) Despite the situation already described we have become aware of previously approved congressional initiatives (the last one in 2001) that pretended to correct the practice of

forced evictions.

c) To have discovered the will among different political actors (Blocks from all political parties represented in the National Congress), municipalities and the Central Government, as well as the Espacio Urbano Popular, to reach agreements that may facilitate solutions.

d) With Mission participation we have been able to reach consensus with the different actors in order to:

- Make evictions a multidimensional topic: legal, social, political, institutional.
- Present solutions to problems of "titulación" (deeds).
- Seek the implementation of preventive policies (funds, bonifications or bonds ("bonos"), land exchanges ("permutas de tierras"), city statutes ("estatuto de la ciudad"), land bank ("banco de la tierra").
- Reestablish the role of the State as mediator in land conflicts (between communities and the private sector, or between private entities).

7. List of addenda to the report.

7.0 Espacio de Coordinación Report to AGFE:

7.1. National Eviction Map

7.2. Santo Domingo Eviction Map

7.3. List of persons located, position, mailing addresses, phone numbers

7.4. List de visited barrios, persons present and map

7.5. Documentation of examined cases and documentation memo

7.6. Photographic review and videos

7.7. Legal Documents:

a) Constitución of the Dominican Republic.

b) Land Law 1542 ("sobre tierra") 1947 (modified by the "ley de registro inmobiliario" 2005, not promulgated)

c) Extract from the "Ley de Registro Inmobiliario" (Recently approved and not Promulgated) that substitutes "Ley 1542 sobre Tierras" (establishes the authority of the State Attorney)

d) "Proyecto de Ley Presentado y aprobado por el Congreso Nacional en el 2001"(Not promulgated).

e) Anteproyecto de Ley ("bill") presented by the Espacio de Coordinación Urbano Popular.

- f) DECRETO 93-01 (PLAN NACIONAL DE TITULACIÓN DE TIERRAS DEL ESTADO DOMINICANO)
 - g) DECRETO 784-02 (Orders deeds favoring persons occupying Dominican State-owned land).
 - h) DECRETO 976-03 (Creates a Commission for the application of Decreto 784-02).
 - i) DECRETO 90-74 (Declares the public utility (“Utilidad Pública”) of numerous land plots in barrios Isabelita, Los 3 Ojos y Parque del Este. These populations suffer evictions).
 - j) DECRETO 381-92 (Favors communities in barrios Parque del Este, Brisas del Este, San Bartola y El Brisal, whose lands have been declared of public utility).
- 7.8) Peruvian references
- 7.9) Mission members’CVs