

Courtesy translation

Original: Spanish

### **Submission under CAFTA-DR Article 17.7**

**Submitted by:** A group of citizens (we request that our identities be kept confidential, as allowed under the Working Procedures of the CAFTA-DR Secretariat for Environmental Matters)

**To:** CAFTA-DR Secretariat for Environmental Matters

**Date:** July 4, 2025

**Location:** Guatemala

### **Request for Confidentiality**

We expressly request that our identities be kept confidential, as permitted by the Working Procedures of the Environmental Submissions Mechanism under CAFTA-DR. This request stems from our legitimate concern for the protection of our safety and privacy as citizens committed to environmental protection.

## **Summary of the Submission**

This submission seeks to activate the mechanism established in CAFTA-DR Article 17.7 by reporting the systematic failure to enforce Guatemalan environmental legislation in the municipality of Livingston, Department of Izabal. The main issues identified are:

- Accelerated coastal erosion due to illegal sand extraction and deforestation;
- Widespread beach pollution from visible and invisible waste (plastics, chemical residues, fecal matter);
- Failure by local and national authorities to take concrete action.

This situation threatens marine biodiversity, coastal ecosystems, and public health, in addition to causing severe economic impacts.

## **Compliance with CAFTA-DR Requirements**

### **1. Language of the Submission**

This submission is presented in Spanish.

### **2. Identification of the Submitters**

Our identification information has been provided to the Secretariat; however, we request confidentiality as allowed by the mechanism.

### **3. Sufficient Information and Alleged Failure to Enforce Environmental Law**

We believe the following laws are being systematically violated:

- Article 97 of the Political Constitution of the Republic of Guatemala.
- Environmental Protection and Improvement Law (Articles 8, 15, and 16).
- Protected Areas Law (Article 5).
- General Fisheries Law.

## **Summary of Facts:**

For over a decade, Livingston has experienced alarming environmental degradation:

- Unregulated sand extraction has reduced beach capacity to buffer storms.

- Deforestation has worsened sedimentation in rivers and canals.
- Multiple reports exist of illegal dumping sites in areas like Pueblo Nuevo, San José, Barrio Barique, Barrio París, Río Agua Sagaren, and Lake Flowas.
- Quehueche Beach shows critical levels of solid waste, affecting tourism and public health, along with seasonal sargassum presence.

These statements are supported by studies such as: USAC Report (2023); Livingston Municipal Development Plan (2018); ADA<sup>2</sup> Waste Characterization Study (2016).

#### **4. Intent to Promote Effective Law Enforcement**

This submission seeks solely to promote the effective enforcement of environmental law in Guatemala. It is not directed at any specific industry or actor. The situation requires a comprehensive response, which the authorities have failed to provide.

#### **5. Prior Communication with National Authorities**

Municipal and national authorities have been informed of the environmental crisis in Livingston on several occasions through various channels.

However, given our request for confidentiality, we refrain from attaching documents that may reveal our identities. We deem this measure essential for our protection and safety, without diminishing the truth or value of the facts presented.

Reporting case-by-case or person-by-person is not realistic due to the scale of the problem. Dozens of critical points, numerous actors, and a dispersion of responsibilities exist. Traditional administrative remedies have not provided systemic responses.

In addition, the lack of access to appropriate complaint mechanisms, institutional weakness, and lack of follow-up make individual complaints ineffective. A comprehensive and coordinated response is urgently needed—one that can only be achieved with the support of this international mechanism.

## **6. Nationality**

We affirm that we are Guatemalan citizens and therefore meet the requirement of being persons from a Party to the Treaty.

## **Supporting Documents**

The following documents are attached to substantiate the facts:

- Environmental Assessment of Izabal (Morales Juárez, 2017)
- Environmental Quality Report of the Guatemalan Caribbean (USAC, 2023)
- Waste Characterization and Pollution in the Punta de Manabique Wildlife Refuge (ADA<sup>2</sup>, 2016)
- Livingston Municipal Development Plan (2018)
- Livingston Municipal Transition Report (2023)

## **Petition**

We respectfully request:

1. That this submission be admitted for processing.
2. That the Government of Guatemala be required to issue a formal response to the alleged failures.
3. That a Factual Record be prepared to assess the environmental situation described.
4. That potential international cooperation measures be considered to immediately mitigate environmental deterioration in the region.

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### **Final Annex – Confidentiality Request and Contact Information**

We, the undersigned submitters of this environmental submission, reiterate our express request for confidentiality regarding our personal data, pursuant to the Working Procedures of the CAFTA-DR Secretariat for Environmental Matters. If this request cannot be honored, we respectfully ask that this submission not be considered and not be notified.

This request is based on the need to protect our personal integrity, privacy, and safety, given the sensitive content of this submission and the environmental and social context in which it arises.

We ask that our identities and any contact details we provide not be disclosed to any authority, entity, or third party without our prior written consent.

Below is the contact information required for official notification purposes, for the exclusive internal use of the Secretariat:

**Email:** [redacted]

Signatures