

# Submission Pursuant to Article 17.7 Filed with the CAFTA-DR Secretariat for Environmental Matters

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

**From:** Miriam Elisa de Gandarias Lira, Guatemalan citizen

**Date:** August 25, 2025

**Place:** Guatemala City, Guatemala

**Contact Information for**

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## Executive Summary of the Submission

The purpose of this submission is to activate the mechanism under **Article 17.7 of the CAFTA-DR** to address the systematic failure to effectively enforce Guatemala's environmental legislation in *Finca El Zapote, Zone 2 of Guatemala City*.

The environmental harms arising from such failures include:

- Authorization of large-scale construction projects, such as apartment buildings, without conducting serious and participatory Environmental Impact Studies that consider the special vulnerability of the area, given its inherently unstable sandy soils and its location within the Mixco fault system.
- Deficiencies in drainage and other infrastructure, which have caused underground caverns and sinkholes that threaten human life and health, as well as the forests and biodiversity of the area.
- Deforestation of ravines, which increases erosion and the risk of landslides.
- Omission and lack of transparency by municipal and national authorities in the authorization of construction projects and in providing residents with information about environmental risks in the area.

This situation endangers the life and health of people, plants, and animals, as referenced in Article 17.13 of the CAFTA-DR, and constitutes a systemic problem of failure to effectively enforce environmental legislation, compounded by the lack of urban planning and risk governance in the country.

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

1. **Language of the submission:** This submission is filed in Spanish, in accordance with the requirement.
2. **Identification of the filer:** The undersigned is a Guatemalan citizen, and therefore a person of a Party under the CAFTA-DR.
3. **Sufficient information and environmental law not effectively enforced:** The following laws are systematically not being effectively enforced or are being violated:
  - **Law of the National Coordinator for Disaster Reduction (CONRED):** No measures have been taken to mitigate disasters, despite the law requiring them.
  - **Law for the Protection and Improvement of the Environment:** The absence of environmental impact studies and the use of absorption wells have caused soil erosion and the formation of sinkholes.
  - **Forestry Law and Law of Protected Areas:** By allowing illegal deforestation in the area and the destruction of ecosystems and species that depend on them, critical ecological corridors are being lost. This area serves as an ecological corridor connecting the ravines of Guatemala City with the Motagua Valley, an essential flyway for migratory birds and species at risk of extinction such as the yellow-headed parrot.
  - **Municipal Code:** There is deficient urban planning and lack of oversight of construction licenses; no adequate storm drainage system has been built to manage runoff, causing uncontrolled discharges of wastewater and rainwater.

- **Law on Access to Public Information:** The Municipality has attempted to conceal information and documents about soil vulnerability, collector projects, and licenses granted, alleging that the information is sensitive and therefore not subject to disclosure.

4. **Facts of the case:**

- Vulnerable zones such as ravines and water recharge areas have been deforested.
- Buildings are being constructed and licenses granted, increasing the risk of landslides.
- During 2014–2015, multiple landslides occurred due to lack of drainage.
- Between 2023 and 2025, sinkholes have formed as a result of the collector project.

5. **Purpose of promoting enforcement of law:** This submission exclusively seeks effective enforcement of Guatemala’s environmental legislation. It is not directed at a specific actor but at the systemic failure to enforce the law.

6. **Prior communication with national authorities:** Communications have been filed with national authorities since 2013, but no effective solution has been provided.

7. **Nationality:** The filer is a Guatemalan citizen and attaches a copy of the national identification card (DPI).

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### **Specific Requests**

The undersigned respectfully requests that the CAFTA-DR Secretariat for Environmental Matters:

1. Accept this submission for processing.
2. Request that the State of Guatemala provide a formal response regarding the alleged failures to effectively enforce its environmental laws.

3. For the benefit of biodiversity, require that an inventory of the biodiversity of the El Zapote ravine be conducted and extended to the connected ravine system.
  4. Establish formal dialogue and cooperation channels with the Government of Guatemala.
  5. Consider possible measures of international cooperation to mitigate environmental degradation in the region.
  6. Keep this file open for the adhesion of additional petitioners and for the inclusion of further information.
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### **Supporting Documents**

The following are attached in support of the facts:

- Expert Report: Analysis of Environmental Risks in Finca El Zapote, Zone 2 of Guatemala City.
- Photographs of the site.
- Reports from CONRED regarding the risks in the El Zapote area.
- Press reports evidencing landslides and authorities' inaction.
- Landslide maps and other documents demonstrating the area's vulnerability.
- Other documents.

*(The filer reserves the right to submit additional information as it becomes available.)*