

#### ALERT ABOUT THE SITUATION OF 37 COMMUNITIES IN LAGUNA DEL TIGRE, PETÉN, THREATENED BY MILITARISATION, EVICTIONS AND MEGA-PROJECTS

An “Alert is an occasional mailing by the PBI Guatemala Project to draw attention to violations of or concerns about human rights in Guatemala, from PBI’s position of non-interference, non-violence and non-partisanship. This information sheet is distributed to individuals, organisations and institutions that have offered their support to the Guatemala Project.

#### **Brief history of the affected land and communities**

Laguna del Tigre is located in the municipality of San Andrés, Petén. It is a wetland area protected since 1990, made up of two sections: the Laguna del Tigre National Park (LTNP) and the Laguna del Tigre – Rio Escondido Protected Biotope. Both form part of the central zones of the Maya Biosphere Reserve and together measure 335,080 hectares, of which 289,912 are in the national park and 45,168 in the biotope.<sup>1</sup> Classified as the most important wetlands in Central America and the second most important in Latin America, it is one of the main hydric recharge zones in Guatemala,<sup>2</sup> and the first freshwater reserve in all of Central America, for which it has been included in the Ramsar Convention list of wetlands of international importance since 1971.<sup>3</sup>

According to the community delegation of La Libertad and San Andrés municipalities, which met with different Guatemalan and International social organisations during August and September 2010, the first communities began to settle in Sierra del Lacandón and Laguna del Tigre between 1984 and 1986, and were populated by people from all over the country. During the armed conflict demand for labour on the estates, poverty, forced displacement of people and communities, and a lack of access to land in the majority of the country, were factors that led to the people settling in the area.<sup>4</sup> According to Convergence for Human Rights, the contributing factors leading to the latest displacements into this area were, “not only the war, but also the activities of criminal organisation, without the Guatemalan state acting to protect the safety, integrity and collective rights of the communities”.<sup>5</sup> Journalist Luis Solano writes: “Since the 1990s, this process of settlement has been denounced as a kind of perverse ‘model’ driven by the petrol company Basic Resources (acquired by Perenco Guatemala Limited<sup>6</sup>) to make possible the continuity of their oil operations and expand them throughout the Laguna del Tigre National Park.”<sup>7</sup>

<sup>1</sup> Siglo XXI, “Ejército tomará control de la Laguna del Tigre”. Guatemala, 21.08.2010. <http://www.sigloxxi.com/nacional.php?id=17615>

<sup>2</sup> Fumero, J., “Guatemala: Polémica en Laguna del Tigre”, *Servicio de Noticias Ambientales*. Guatemala, 11.08.2010. <http://fobomade.org.bo/bsena/?p=762>

<sup>3</sup> Salvadó, C., “Laguna del Tigre: agua contra petróleo (I)”, *AVANCSO, Adital*. Guatemala, 26.04.2010. <http://www.adital.com.br/site/noticia.asp?lang=ES&cod=47220>

<sup>4</sup> Minutes of the Petén community delegation preparatory meeting, 22.08.2010. Minutes of meetings of the Petén community delegation with Convergence for Human Rights and international accompaniment organisations, 23.08.2010

<sup>5</sup> Convergence for Human Rights, “El Presidente Álvaro Colom será el responsable de iniciar un nuevo proceso de despojo y violencia en contra de comunidades”, press release. Guatemala, 10.09.2010

Convergence for Human Rights is a platform of Guatemalan human rights organisations, comprised of the Centre for Human Rights Legal Action (CALDH), the International Centre for Human Rights Research (CIIDH), Survivors Foundation, the Guatemalan National Institute for Comparative Studies in Criminal Science (ICCPG), the Human Rights Office of the Archdiocese of Guatemala (ODHAG), Security in Democracy (SEDEM), and the Guatemalan Human Rights Defenders Protection Unit (UDEFEGUA).

<sup>6</sup> The North American oil company Anadarko (NYSE: APC) announced in July 2001 the sale of 100% of the subsidiary of its complete property Basic Resources International to the French oil exploration and extraction company Perenco for US\$120.5 million. *Business News Americas*, “Anadarko Vende Basic Resources por US\$120,5 millones”, 26.07.2001.

<sup>7</sup> Solano, L., “Petroleras en acción, selva en destrucción”, *Enfoque*, Año II, Nº 6. Guatemala, 30.04.2010.

In 1989, the Protected Areas Law was approved which, although it affects this region, did not involve the participation of its population.<sup>8</sup> The National Protected Areas Council (CONAP), created by the law, increased its presence and evictions of several communities were carried out. After the signing of the Peace Accords in 1996, the communities organised to demand the fulfilment of their right to health, education and basic social needs; rights that they say have still not been implemented.

The community delegation says that although some communities that were in the area before the Law existed were recognised by the municipality and obtained permission to create auxiliary Community Development Councils, and although they received extendable 25-year CONAP land concessions, and were assigned teachers, they now lack any guarantee of permanence in the lands they inhabit, or any official recognition on the part of state institutions of their presence in the area. Other communities have simply always been ignored, obliging their residents, for example, to register themselves in neighbouring municipalities. Even when there have been rapprochement processes with the CONAP, these have not been productive.<sup>9</sup>

### **Current situation and concerns of the communities.**

Between July and August 2010, the government has adopted or announced a series of decisions relating to the Laguna del Tigre National Park: it has extended the contract of the French transnational contact Perenco Guatemala Limited to continue the extraction of oil for 15 more years; it has announced the opening of six new military detachments, which will be financed by income that come into the country from Perenco; and it has also warned of its intention to carry out evictions in September. Promoting socioeconomic development, fighting drugs trafficking, and caring for the environment were the reasons cited by President Álvaro Colom and other public authorities, at different public events, to explain these decisions.

The extension of the Perenco contract was formalised through Government Accord 2-84, signed on 22 July 2010 by the cabinet, despite the opposition of three ministers, among them the Minister of the Environment and Natural Resources, Luis Ferraté.<sup>10</sup> According to the Minister of Energy and Mines, Romero Rodríguez, the contract would oblige the company to contribute Q40 million annually to CONAP to protect the Maya Biosphere Reserve, and Q24 million to construct military bases. This prolonging of oil extraction in Laguna del Tigre also generated debate and strong criticism from civil society, which has already begun legal action at the national and international level, believing the contract is illegal and that it violates the state's contractual obligations with international instruments.<sup>11</sup>

According to the Guatemalan media the extension of the Perenco contract occurred at a time when an offer had been made by a group of German Parliamentarians to compensate the Guatemalan State for not extracting oil.<sup>12</sup> Through a formal letter sent to the President last July, the German Parliamentarians had hoped to replicate the Yasuni Park initiative in Ecuador, which provides compensation through a fiduciary fund financed by various partners, including Germany, in return for the government renouncing oil extraction. Environmental organisations feel that the Guatemalan government's argument for extending the 2-85 contract, based on the idea that the state would benefit from the taxes derived from this extension, has

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<sup>8</sup> Congress Decree 4-89, approved on 7 February 1989, and modified by Decree 110-96, in article 22, establishes the following in relation to the settlements: "Individuals or corporations that are found to be settled within the protected areas, or in those which are declared so in the future, must make their residence within them adequate according to the conditions and rules of operation, uses and zoning of the area in question, assuring their full incorporation into its programmed management."

<sup>9</sup> Minutes of meetings with the community delegation, Op Cit.

<sup>10</sup> Prensa Libre, "Ministros que votaron en contra de Perenco creen que habrá daño ambiental". Guatemala, 27.07.2010. Together with Ferraté, Carlos Menocal, Minister of the Interior, and Jerónimo Lancerio, Minister of Culture and Spots, explained their votes against the extension of the contract in letters published on 27 July in the Official Diary. In general lines, the three believed it would endanger the protection and conservation of the county's natural and cultural heritage.

[http://www.prensalibre.com/noticias/politica/Ministros-votaron-Perenco-creen-ambiental\\_0\\_305969552.html](http://www.prensalibre.com/noticias/politica/Ministros-votaron-Perenco-creen-ambiental_0_305969552.html)

<sup>11</sup> El Periódico, "Quince años más de explotación petrolera". Guatemala, 24.07.2010. CALAS has lodged several appeals in Guatemalan courts, and the lawyer Ramón Cadena, of the International Commission of Jurists, has presented a complaint against the state before the Secretary of Environmental Affairs of the United States-Dominican Republic-Central America Free Trade Agreement (DR-CAFTA), for the violation of environmental laws in favour of a private company <http://www.elperiodico.com.gt/es/20100724/pais/165925/>

<sup>12</sup> Ibid.

been refuted.<sup>13</sup> Rafael Maldonado, Coordinator of the Centre for Legal, Social and Environmental Action (CALAS), said the German proposal was the correct choice, and it would be added to existing financial aid provided by other governments to the area of Petén, as well as the income that the Park itself generates.

Increase in military activity: after the president announced the opening of six new military bases in the Laguna del Tigre, the Guatemalan army, on the 31st of August, unveiled its Forest Infantry Battalion, also known as the “Green Battalion of Laguna del Tigre”. According to statements by the Minister of Defence, Abraham Valenzuela, the battalion is composed of 250 men, among them officers, specialists and soldiers, and is tasked with protecting the borders and controlling the territory of the area, to prevent illicit activities related to drugs trafficking. It will also carry out patrols against illegal degradation of the region’s natural resources. The daily newspaper Prensa Libre reported at the beginning of the month that from 15 September the battalion would be required to “secure the Laguna del Tigre Park, within which occur drug transactions, invasions, and other harmful activities that deteriorate the nature reserve”. The equipment needed for checkpoints, as well as the maintenance costs of the military bases, will be financed by Perenco.<sup>14</sup>

Eviction announcements: according to various public statements made by the president in July and August, the protection of the nature reserve requires the expulsion of drugs traffickers, cattle grazers and other illegal activities in the area. In July, Álvaro Colom told the people of the San Andrés that the recovery of 109,000 hectares of land justified evictions in the area.<sup>15</sup> In Escuintla on 20 August the president said: “from 15 September, the army will secure the Laguna del Tigre Park and there will be no more drugs trafficking or cattle”.<sup>16</sup> Days later the press reported on the president “congratulating the army and urging them to take control of the Park, riddled as it is by cattle grazers, invaders and drugs traffickers”.<sup>17</sup> In none of their recent statements did the government authorities mention the existence of 37 communities that reside in the area, nor explain what the future held for them.

A study by the journalist Luis Solano shows that the greatest ecological threats to the park are the oil industry, cattle grazing, illegal logging, the exploitation of archaeological sites, and drugs trafficking. Solano offers evidence of how known drugs traffickers have created large estates in the interior of the park. He also points out that the same people who support the extension of the Perenco contract are the ones that blame the communities residing in the area for the degradation of the park, without questioning the role that Perenco played in this deterioration.<sup>18</sup> The activities of the communities living in the area consist of subsistence agriculture on small land parcels. In contrast to the landowners who have extensive areas dedicated to cattle grazing, only a few subsistence farmers own a tiny number of cows. Meanwhile some communities have licenses and carry out forest management work, in compliance with the contract they signed with CONAP.

In the current climate of uncertainty and lack of dialogue, information or consultation on the part of the authorities, the communities have organised to raise awareness of their situation, express their concern and gather information. According to representatives from the communities of La Libertad and of San Andrés, the government’s actions relating to the extension of the Perenco contract, and announcements about evictions and increased militarisation, affect a great many people. The

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<sup>13</sup> Prensa Libre, “Alemanes proponen fondo para no extraer petróleo”. Guatemala, 23.07.2010. The letter sent to the president claims that the primary aim is not only to gain benefits to the state from the extraction of oil, but also to ensure the protection of biological diversity. [http://www.prensalibre.com/noticias/Alemanes-proponen-fondo-extraer-petroleo\\_0\\_303569683.html](http://www.prensalibre.com/noticias/Alemanes-proponen-fondo-extraer-petroleo_0_303569683.html)

<sup>14</sup> Prensa Libre, “Batallón vigilará Parque Nacional Laguna del Tigre”. Guatemala, 01.09.2010, [http://prensalibre.com/noticias/Batallon-Parque-Nacional-Laguna-Tigre\\_0\\_327567256.html](http://prensalibre.com/noticias/Batallon-Parque-Nacional-Laguna-Tigre_0_327567256.html); and Prensa Libre, “Construirán seis puestos de control en la Selva”. Guatemala, August 2010, [http://prensalibre.com/noticias/politica/peten-puestos-control\\_0\\_325767504.html](http://prensalibre.com/noticias/politica/peten-puestos-control_0_325767504.html)

<sup>15</sup> El Periódico, “Plan Cuatro Balam fue inaugurado por Colom”. Guatemala, 30 July 2010. The ‘Cuatro Balam’ Project was inaugurated on 29 July, through the construction of schools in the village of La Colorada. The village has had 70 families evicted over the last few months: “The plan consists of the conservation of the Maya Biosphere Reserve and the recuperation of Laguna del Tigre National Park – invaded by settlers and drugs traffickers –, to make way for the creation of Cuatro Balam Park, which will include Tikal and El Mirador.” <http://www.elperiodico.com.gt/es/20100730/pais/167006/>

<sup>16</sup> Siglo XXI, “Ejército tomará control de la Laguna del Tigre”. Guatemala, 21.08.2010, <http://www.sigloxxi.com/nacional.php?id=17615>

<sup>17</sup> Prensa Libre, “Presentan batallón para resguardar la Laguna del Tigre”. Guatemala, August 2010. [http://www.prensalibre.com/noticias/politica/batallon-laguna-tigre-peten\\_0\\_326967467.html](http://www.prensalibre.com/noticias/politica/batallon-laguna-tigre-peten_0_326967467.html)

<sup>18</sup> Solano, L., Op. Cit.

population of communities that stand to be affected amounts to 147,000 people, 47,000 of which live in the 37 communities located in Laguna del Tigre.<sup>19</sup>

Among the CONCERNS of the communities and the civil society organisations that help and accompany them, are:

- **The persistent lack of recognition by the state of the communities living in the nature reserve.** This results in both a lack of access to essential public services (health, education etc) and a situation in which a substantial number of people, families and communities are effectively hidden from public consciousness.<sup>20</sup>
- **The increased militarisation of the area:** six military bases had already been allocated to the region, to which a further six bases (of the Green Battalion) have now been added, with finance from Perenco.<sup>21</sup>
- **New evictions:** the primary concern centres around the 37 communities situated within Laguna del Tigre, and on the fear of more violent evictions like those that have already occurred in the area. "During the current government of the National Union of Hope (UNE) party, Laguna del Tigre has been in the news on several occasions due to the violent evictions of the communities of La Florida (January and March 2008), El Picudo (March 2008), El Vergelito (January 2009), and Cruce Santa Amelia (January 2009), among others."<sup>22</sup> These evictions were carried out without respecting the proper legal process and with violence, resulting in the death and injury of several people. No agreements or alternatives for the communities were sought.<sup>23</sup>
- **The criminalisation of social protest:** communities and social organisations have repudiated the link made between the communities in Laguna del Tigre and drugs trafficking. The communities issued a public denial of this link in January 2009.<sup>24</sup> The National Maya Coordination and Convergence, Waqib' Kej, has condemned the violence perpetrated during evictions of communities living in Laguna del Tigre, blaming the president for the incidents and for the "unfounded public allegations and linking the indigenous communities with drugs traffickers."<sup>25</sup> The Apostolic Vicariate of Petén said: "It is not possible to generalise the communities settled in protected areas as drugs traffickers, terrorists, kidnappers and invaders, and then on those grounds justify an indiscriminate attack against them." The Vicariate also warned that there was a lack of political will to resolve the problem through dialogue.<sup>26</sup> To date no legal evidence has been offered to support the links made by the authorities between the communities and drugs traffickers nor have any formal accusations been made.

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<sup>19</sup> Minutes of meetings with community delegates, Op. Cit.

A letter community delegates submitted to the congressman Héctor Nuila of the National Guatemalan Revolutionary Block (URNG), explains that 112 communities (25 in Sierra Lacandón, eight in El Centro, 42 in Las Cruces, and 37 in Laguna del Tigre) of the municipalities of La Libertad and San Andrés requested official information about large-scale development projects planned for the area, due to "the lack of information and the disinformation that pervades our communities, and the various threats we are facing". Letter requesting information: from the communities of La Libertad and Laguna del Tigre, San Andrés. 23 August 2010.

<sup>20</sup> Minutes of a meeting with community delegates, Op. Cit. and with Convergence for Human Rights, Op. Cit.

<sup>21</sup> *Ibid.*

<sup>22</sup> Salvadó, C. Op. Cit.

<sup>23</sup> Minutes of a meeting with community delegates. Also CONIC, "Nuevo desalojo en Laguna del Tigre, Petén. El ejército y la policía se llevaron los muertos y heridos a lugares desconocidos". Press release. Guatemala, 27.01.2009, from the Centre for Independent Information of Guatemala (Centro de Medios Independientes de Guatemala), [http://chiapas.indymedia.org/article\\_161842](http://chiapas.indymedia.org/article_161842).

Cerigua specifies that in the case of the El Vergelito eviction, "they did not provide warrants for the evictions, and the Public Ministry was not present to investigate any potential breaches of the law." CERIGUA, "El Estado cometió irregularidades en conflicto de Laguna del Tigre", Guatemala, 10.02.2009.

<sup>24</sup> La Hora, "Se pronuncian ante supuesta criminalización de pobladores", Guatemala, 03.02.2009.

<http://www.lahora.com.gt/notas.php?key=43670&fch=2009-02-03>

La Hora, "CONIC rechaza acusaciones contra pobladores", Guatemala, 27.01.2009.

<http://www.lahora.com.gt/notas.php?key=43288&fch=2009-01-27> The population of Laguna del Tigre said: "We categorically deny that we are drugs traffickers or delinquents, as claimed by the President of the Republic; we are 37 communities...that practice subsistence agriculture..." CONIC, Op. Cit.

<sup>25</sup> Waqib' Kej, "Denunciando la represión contra comunidades indígenas y campesinas", Press release. Guatemala, 29.01.2009.

<sup>26</sup> Apostolic Vicariate of Petén, "Comunicado del Vicariato Apostólico de Petén ante la brutal intervención del Estado de Guatemala en la Laguna del Tigre", Guatemala, 26.01.2009. <http://www.iglesiaticolica.org.gt/20090127.pdf>

Together with these concerns, the communities of La Libertad and Laguna del Tigre fear that this context could lead to the development of large-scale extractive industry projects in the area without prior information or consultation of the region's communities, resulting in new aggressions against them and the land.<sup>27</sup>

**The concerns and recommendations of PBI**

PBI wishes to express its concern about the forms of threat feared by the communities of Sierra Lacandón, El Centro and Las Cruces (La Libertad), and Laguna del Tigre (San Andrés), and the consequences that could result for the people of the communities.

**In particular, we wish to express our deep concern about the conflict in Laguna del Tigre in the context of the oil extraction contract that has been extended without consultation with the communities and the tension and fear generated by government announcements of evictions and the opening of new military detachments.**

**We also wish to call attention to the threat that the proposed evictions could cause to the security and human rights of the 37 communities in the area, as well as to the safety of those who publicly and actively defend and promote human rights.**

We therefore **request** that you remain **attentive** to the events in the communities of La Libertad and San Andrés, with special attention on Laguna del Tigre.

We also **encourage** the International Community to actively make contact with the human rights defenders, organisations, communities and other Guatemalan social groups, to offer them support and protection in the context of the *European Union Guidelines for the protection of human rights defenders*, and other international instruments and mechanisms that exist for this purpose.

Yours sincerely,  
The PBI Guatemala Project

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<sup>27</sup> As well as the extension of the Perenco contract, there are other examples, such as the proliferation of monoculture crops (papaya, teak, nuts), and plans to construct hydroelectric plants over the Usumacinta and La Pasión rivers. (from minutes of a meeting with community delegates, Op. Cit.)