



## FOR IMMEDIATE PUBLICATION

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## LEGAL ACTION TEMPORARILY PROTECTS LEATHERBACK SEA TURTLES IN COSTA RICA

*SAN JOSE, Costa Rica, March 30, 2005*— By admitting a suit filed by environmental organizations to protect the leatherback turtle, the Constitutional Chamber of the Costa Rica Supreme Court has granted an injunction against construction projects in the Leatherback Turtle Marine Park.

The defendants -- the National Technical Environmental Secretariat (SETENA), the Municipality of Santa Cruz, the Ministry of Finance, and the Ministry of Environment and Energy, are charged with violating the constitutional right to a healthy environment. The suit, brought by the Interamerican Association for Environmental Defense (AIDA) and its Costa Rican participating organizations -- the Environmental and Natural Resources Law Center (CEDARENA), and Justice for Nature (JPN) -- seeks the effective protection of the park. Specifically, the suit aims to halt construction of beach houses and tourist developments within the national park area, and to prevent the government from authorizing potentially detrimental construction before the lands dedicated to the park have been protected.

The leatherback turtles are ancient reptiles surviving from the age of the dinosaurs. The species is highly endangered; with Pacific populations threatened with extinction within a decade, and as such is protected under various international treaties and the Costa Rican legislation. The presence of humans and particularly lights from houses, disturb turtles coming ashore to lay eggs and prevent the hatchlings from finding their way to the sea, thus posing a severe threat to the reproduction and future viability of the leatherback turtle.

The Leatherback Turtle Marine Park was created by the Costa Rican Congress in 1995, to protect critical habitat where the leatherback turtle is known to reproduce. The park includes the most important remaining nesting beaches on the Pacific Coast of the Americas -- The Carbon, Ventanas, Langosta, and Grande beaches. In fact, eighty percent of the leatherbacks that nested in the 2001-2002 seasons in Costa Rica did so in the Park. Other Costa Rican nesting beaches, such as Flamingo, and Tamarindo, have already been destroyed by the lack of coastal environmental planning.

“The Leatherback Marine Park should be protected from poorly planned development,” said Anna Cederstav, AIDA Program Director. “Costa Rica has an important opportunity to protect this species, which is not only part of our global environmental heritage but also a valuable economic resource for the nation.”

In a 2004 report, the Costa Rican General Attorney’s office urged the authorities to not permit construction in the Park, citing impacts on the leatherbacks. The recommendation has not been heeded. The NGOs assert that the government has failed to fulfill their obligations to protect the Park and endangered marine biodiversity. The Santa Cruz Municipality should defend local interests and guarantee environmental protection within its jurisdiction. SETENA must ensure that development does not damage fragile ecosystems and protected areas. The Ministry of Environment is responsible for expropriating and conserving the land within the national park limits, and the Ministry of Finance is supposed to dedicate the necessary funds.

“The injunction against construction and further permitting sends a clear message to SETENA and the Municipality that in the case of National Parks, governments must act with caution and not approve projects that threaten the ultimate goal for which the parks were established,” said Rolando Castro, attorney with CEDARENA. “We trust that the Constitutional Court will decide in favor of the leatherback turtle, a species that

the court has previously determined to be a shared and highly migratory resource. The Park has great potential for scientific and tourism purposes and is an important source of local income.”

This case will prevent irreparable damage to the area designated as National Park while the expropriation proceeds, and will establish an important precedent in that there are many other parks, not only in Costa Rica but throughout the Americas, that face similar threats.

*For more information about this case and turtle protection, please see::*

[www.aida-americas.org](http://www.aida-americas.org), [www.cedarena.org](http://www.cedarena.org)