



Asociación Interamericana para la Defensa del Ambiente
Interamerican Association for Environmental Defense

**FISHERY LAW MUST BE REGULATED WITHIN 3 MONTHS:
CONSTITUTIONAL CHAMBER**

FOR IMMEDIATE PUBLICATION

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SAN JOSÉ, Costa Rica, May 20, 2009 – The Constitutional Chamber of the Supreme Court of Justice of Costa Rica favorably resolved an injunction brought by students from the University of Costa Rica, represented by Attorney Alvaro Sagot and supported by the Interamerican Association for Environmental Defense (AIDA) and other Costa Rican NGOs (APREFLOFAS, CEDARENA, Fundación Keto, Humane Society International, Justicia para la Naturaleza, MARVIVA, PRETOMA and PROMAR). In its ruling, The Chamber ordered the Executive Authority, within a maximum of 3 months, to administrate the fishery law in a manner that protects the constitutional right to a healthy environment. The Chamber also mandated that this process be carried out with public participation, which is essential to protecting this human right.

“This decision is vital to the protection of coastal marine resources. The Fishery and Aquaculture Law had given the Executive Authority a period of 90 days to promulgate regulations, starting from April 25th, 2005 when the law was first published. However, after more than four years, the Executive Authority, represented by INCOPECA, had still not issued the regulation,” stated attorney Gladys Martínez. “We understand the complexities of the issue, but these cannot be excuses to continue leaving a legal void that directly affects the conservation of Costa Rican and the planet’s, resources”, added Martínez.

The plaintiffs petitioned the Constitutional Chamber to protect the human right to a healthy environment and balanced ecology and assure compliance with international obligations by carrying out its responsibility to promulgate regulations to implement this law. There are fundamental aspects to marine resource protection, such as aquaculture development, illegal fishing in protected areas, and containment of excessive fishing, the control of which is nonexistent or deficient, making this regulation imperative.

“We at AIDA applaud the Chamber’s decision, as it recognizes the importance of effective protection of marine biodiversity and establishes a precedent of requiring public participation in the process”, commented Anna Cederstav from California, Co-Director of AIDA, “Given the grave situation of the world’s oceans and marine resources, and the necessity to counteract excessive exploitation and avoid impacts to current and future generations, it is urgent that this issue be resolved as soon as possible. Furthermore, Costa Rica has the opportunity to be an example in the conservation of oceans and their resources”, concluded Cederstav.

AIDA is a non-profit environmental law organization that works in the Americas to strengthen people’s capacity to guarantee their individual and collective right to a healthy environment through the development, implementation, and effective enforcement of national and international laws.

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Among other issues, AIDA focuses on protecting people's right to an ecologically balanced environment, including the protection of marine biodiversity.

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