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Costa Rican Court Reinforces Protection of Leatherback National Marine Park: Declares Ruling Allowing Construction in Park Unconstitutional

SAN JOSÉ, Costa Rica, June 2, 2008 – On May 23rd, the Constitutional Chamber of the Supreme Court of Justice of Costa Rica repealed a municipal zoning regulation because of its impacts on the most important nesting zone for the leatherback sea turtle in the Eastern Pacific Ocean: the Leatherback National Marine Park (LNMP). The court resolution confirms that the park is necessary to guarantee protection of the leatherback turtle, an internationally declared endangered species, and therefore development within the park must be prevented.

The court ruled in favor of the plaintiff, the Leatherback Trust, which filed suit in July 2006 against the zoning regulation for the Cabo Velas district of the city of Santa Cruz in the province of Guanacaste. In filing this suit, the Trust was advised by the Environmental and Natural Resources Law Center (CEDARENA), with the support the Interamerican Association for Environmental Defense (AIDA) regarding applicable aspects of international law.

Only two weeks ago, the same court ordered the Ministry of Environment and Energy (MINAE) to begin expropriating private lands inside the park due to the impact of private developments on the leatherback turtles. This decision resulted from a case brought by CEDARENA, AIDA, and the Costa Rican organization, Justice for Nature (JPN).

The zoning regulation that the court annulled in the May 23rd ruling allowed the City of Santa Cruz to issue construction permits inside the park, ignoring the serious impacts that such operations can have on leatherback turtles. “As is well known, leatherbacks require special nesting conditions and thus people’s presence and lights from construction operations on nesting beaches seriously impacts the turtles”, declared Mario Boza, biologist for The Leatherback Trust. The LNMP was created to preserve the conditions necessary for the turtles’ reproduction, but the zoning regulation disregarded this intention.

“We are very pleased with the court decision in Costa Rica because it sets a precedent that builds hope for the conservation of this species,” declared Astrid Puentes, Legal Director for AIDA. “We hope that this decision will be replicated in other countries in the region,” added Puentes.

The court’s decision is retroactive, so it should cancel all the permits granted and constructions operations initiated under the regulation. “With this decision the court is not only protecting Costa Rica’s ecological balance, as established in article 50 of the Costa Rican Constitution, but also ordering the country to comply with its commitments to international agreements,” declared Rolando Castro, a lawyer with CEDARENA.

For more information, please visit: www.aida-americas.org

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