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COSTA RICAN COURT ORDERS EXPROPRIATION OF LAND SLATED FOR TOURISM DEVELOPMENT IN THE LEATHERBACK MARINE NATIONAL PARK

SAN JOSÉ— On May 5th, the Constitutional Chamber of the Supreme Court of Justice of Costa Rica ordered the Ministry of Environment and Energy (MINAE) to begin expropriating private lands slated for tourism development within the Leatherback Marine National Park (LMNP) in Guanacaste. This decision follows a lawsuit filed in March 2005 by AIDA and its participating organizations in Costa Rica, the Center for Environmental Law and Natural Resources (CEDARENA), and Justice for Nature (JPN). The complaint alleged that the National Environmental Technical Secretary (SETENA), the Municipality of Santa Cruz, the Ministry of Finance, and MINAE violated the constitutional right to a healthy and ecologically balanced environment by not protecting the LMNP and the nesting sites of the leatherback turtle located therein.

This is a very important precedent in Costa Rica and the hemisphere, given that tourism development is proceeding at an unprecedented pace throughout the Americas. The Municipality of Santa Cruz and SETENA had issued construction permits within the park, ignoring the impacts that tourism development would have upon the leatherback turtles. With this decision, these permits are now invalid.

“We hope that the Municipality and SETENA have received a clear message that they must take extreme caution with regard to national parks, and not approve projects that endanger what the parks were created to protect,” stated Rolando Castro, an attorney for CEDARENA. “Construction and operation of tourist sites within the LMNP would aggravate existing threats to the beach,” he added.

Leatherback turtles are animals from the Jurassic age that have been declared an endangered species on the international level. They require particular nesting conditions that can be easily disturbed by the presence of human beings and construction lights. Hence, the development of tourist sites can severely affect the turtles’ reproduction, and consequently, their survival. The Leatherback Marine National Park has become the most important nesting site for this species in the Western Pacific Ocean.

“MINAE should immediately heed this order to prevent the destruction that has occurred at other Costa Rican nesting beaches, such as Flamingo and Tamarindo,” affirmed Gladys Martinez, AIDA attorney. “All authorities within the Costa Rican government have an obligation to protect this species, which is part of our common patrimony, in addition to being a tourist attraction and hence a valuable economic resource for the country,” she added.

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