

# **The Voice of the Leatherback Turtles**



**Costa Rica's  
Las Baulas National Park in Crisis**



**A**migos y amigas en todo el mundo, tenemos que hacer algo, y más, para mantener este magnífico ser (las tortugas Baula) en nuestro Planeta. Por favor distribuyan este periódico a todos sus contactos y pídanles que lo envíen a sus contactos. Aunque sea solamente eso que hagamos.

Dear friends from around the world, we must do everything in our hands, and more, to keep this wonderful being (the Leatherback turtles) on our Planet. Please send this magazine to your contacts and ask them to forward it to their contacts. Even if we could only do that.

Abrazos,  
Alvaro Ugalde





# Leatherback Sea Turtle

*Dermochelys coriacea*

**Conservation status**  
**Critically Endangered**

The Leatherback turtle is the largest of all living sea turtles and the fourth largest modern reptile behind three crocodilians. It is the only living species in the genus *Dermochelys*. It can easily be differentiated from other modern sea turtles by its lack of a bony shell. Instead, its carapace is covered by skin and oily flesh. *Dermochelys coriacea* is the only extant member of the family Dermochelyidae. Instead of teeth the Leatherback turtle has points on the tomium of its upper lip. It also has backwards spines in its throat to help it swallow food. Leatherback turtles can dive to depths as great as 4,200 feet (1,280 metres).

## Anatomy and Morphology

Leatherback turtles follow the general sea turtle body plan of having a large, dorsoventrally flattened, round body with two pairs of very large flippers and a short tail. Like other sea turtles, the leatherback's flattened forelimbs are specially adapted for swimming in the open ocean. Claws are noticeably absent from both pair of flippers. The Leatherback's flippers are the largest in proportion to its body among the extant sea turtles. Leatherback's front flippers can grow up to 2.7 meters in large specimens, the largest flippers (even in comparison to its body) of any sea turtle. As the last surviving member of its family, the leatherback turtle has several distinguishing characteristics that differentiate it from other sea turtles. Its most notable feature is that it lacks the bony carapace of the other extant sea turtles. Instead of scutes, the leatherback's carapace is covered by its thick, leathery skin with embedded minuscule bony plates. Seven distinct ridges arise from the carapace, running from the anterior-to-posterior margin of the turtle's back. The entire turtle's dorsal surface is colored dark grey to black with a sporadic scattering of white blotches and spots. In a show of countershading, the turtle's underside is lightly colored.

*Dermochelys coriacea* adults average at around one to two meters long and weigh from around 250 to 700 kilograms. The largest ever found however was over three meters from head to tail and weighed 916 kilograms. That particular specimen was found on a beach on the west coast of Wales in the North Atlantic.

## Physiology

The metabolic rate of the leatherback is about four times higher than one would expect for a reptile of its size; this, coupled with counter-current heat exchangers, the insulation provided by its oily flesh and large body size, allow it to maintain a body temperature as much as 18°C (32°F) above that of the surrounding water. Its large size also gives the leatherback more capacity to maintain its body temperature than smaller, more ectothermic reptiles.

Leatherbacks are also the reptile world's deepest-divers. Individuals have been discovered to be able to descend deeper than 1,200 meters (3,937 feet).

They are also the fastest reptiles on record. The 1992 edition of the Guinness Book of World Records has the leatherback turtle listed as having achieved the speed of 9.8 meters per second (35.28 kilometers/21.92 miles per hour) in the water.

Source: [http://en.wikipedia.org/wiki/Leatherback\\_turtle](http://en.wikipedia.org/wiki/Leatherback_turtle)

# AN OPEN LETTER

Karen Olsen de Figueres, Alvaro Ugalde, Mario Boza

## To the Honorable Members of Congress:

Very respectfully but vehemently, we request you NOT to contribute, with your vote, to the extinction of the leatherback sea turtles of the Eastern Pacific, and to discredit the country's leadership in conservation.

We plead with you to reject Project No. 17383 for the following reasons:

### IN SUPPORT OF THE NATURAL HERITAGE OF THE COSTA RICAN PEOPLE AND ALL HUMANITY

The international prestige that Costa Rica enjoys globally as a leader in conservation is on the verge of collapse. Our reputation, as a country at peace with nature, will be hopelessly damaged if we deny our international commitment with nature. Consequently, it will gravely affect our principal economic activity: tourism.

If we permit the precedent of reducing and downgrading a national park, we will stand at the threshold of the collapse of the entire system of national parks, allowing our environment to undergo further deterioration

### PROJECT LAW No. 17383 PRESENTED BY THE GOVERNMENT WILL DISMEMBER THE MARINE NATIONAL PARK LAS BAULAS DE GUANACASTE

**I.** The destruction of the Planet and the extinction of its waters, its flora and fauna, and all its marine resources, is one of the most profound and saddest crisis in the history of mankind. This imbalance threatens the viability of our own existence.

More than half of all the species of plants and animals surviving, in our planet today, do so in the sanctuaries of national parks and equivalent reserves worldwide. Aware of this situation, Costa Rica initiated the development of a national park system beginning in 1970. For the last 40 years, this commitment has been maintained steadfastly until this threat has arisen.

Nine years ago the International Union for the Conservation of Nature (IUCN), declared the leatherback sea turtle (*Dermochelys coriacea*), as threatened with extinction throughout the entire Planet.

In the American Pacific, the population of adults and sub-adults of this species, passed from 91,000 in 1980 to only 3,000 at present. Globally, this represents only 2% of its original population.

These turtles have lived for more than 110 million years. Survivors of the extinction of the dinosaurs, they may become victims of the current mass extinctions by humans of plants and animals. If Project No. 17383 is approved, Costa Rica will be contributing directly to the extinction of this species.

**II.** The National Marine Park Las Baulas was established by Decree No. 20518-Mirenem in 1991, and by law No. 7524 in 1995. It has an exceptional global value because it remains the most important nesting site in the whole Pacific Ocean for the leatherback sea turtle. These turtles nest in Playa Grande, Ventanas and Langosta.

It protects the San Francisco, Ventanas and Tamarindo mangroves, and also the El Morro Mountain, the site of unique botanical value, which must remain under absolute protection of the State.

**III** On May 14th, the Executive Branch presented before the Legislative Assembly Project No. 17383 entitled, "Law for the Rectification of the Limits of the Marine National Park Las Baulas and the Creation of the Mixed Property Wildlife Refuge Las Baulas."

If approved, this project would completely dismember the actual Marine National Park Las Baulas, even though there exist 19 laws, including international treaties and Article 50 of the Political Constitution, which mandate Costa Rica to protect its environment and its national parks so they will continue to constitute the Natural Patrimony of the State.

Project No. 17383 is a grave error. The international community will be outraged that "in Costa Rica the process has begun to dismantle the conservation work of the last four decades."

In presenting this project, the Government proposes to the Congress the reduction of a national park, segregating its largest land mass and transforming it into a mixed public-private property wildlife refuge (a lower category), and authorizing within the lands which are part of the national park today, all kinds of developments, which will provoke the total extinction of the colony of nesting leatherback sea turtles.

Proof of this imminent disaster is the situation that we have in the wildlife refuges in the country. Not so in the national parks.

**IV.** This Project will:

- Reduce the park by segregating the totality of Cerro El Morro, Cerro Ventanas and Isla Verde. It would further reduce to only 50 meters of beach the strip of land which is today 125 meters in the total extension of the three beaches, which is scientifically insufficient to protect the turtles during their nesting process.

- It would eliminate the only authority which the protected areas must have. In this case, other institutions such as the Municipality of Santa Cruz, Institute of Tourism (ICT), the Ministry of Housing and the groups of landowners, would assume jurisdiction which in fact belongs exclusively to the Park Service.

- It would ridicule the compliance of the resolutions of the Constitutional Court obligating the State to nationalize the lands of the Marine National Park Las Baulas.

- It would allow, for the first time in history, within a national park, to construct “one-family residences, multifamily residences, both individual or in condominium; tourist recreational residences, recreational installations, tourist developments, including ecotourism; and other public and private infrastructure designed for public services.” These developments will produce an intense illumination and an uncontrollable access of people to the park, as well as vehicles and domestic animals, all having a negative impact on the nesting process of the turtles. Although the project pretends to justify the opposite, its articles and our experience, indicate that this area would be downgraded from a National Park to become just one more common beach.

- It would reduce even more the present scant availability of drinking water that now supplies the small neighboring communities, giving way for the new massive developments.

- It would contaminate underground water sources, which are of extreme vulnerability due to the proximity of the aquifers to the surface.

Technical evaluations of the National Service of Underground Water Sources (SENARA) have determined the impossibility of constructing infrastructure on this area and its neighboring land.

#### V. With respect to land prices:

The Project justifies the Park’s dismemberment arguing the lack of budget resources. This is the same argument that has been repeated each time that a national park has been created during the last forty years. In spite of this reasoning, Costa Rica has been able to acquire approximately 80% of the lands that today form the National Parks System.

Much has been said about the cost that this would represent for the State to continue with the process of nationalization of the Park. In this respect, we express the following:

1. Some people have publicly affirmed that the expropriations would have an exorbitant total cost between 500 and 700 million dollars. False!

2. These calculations were realized on an average price per square meter of \$850.00, based on only five of the highest appraisals by juridical appraisers of land, located in high value zones as Flamingo and Tamarindo. It is important to emphasize that another juridical appraiser established a value of \$13 per square meter, while still a third appraiser valued at \$0 per square meter in the North of Playa Grande, also within the National Park.

3. In 2008, the study titled “Economic considerations for the expropriation process in Playa Grande, in Guanacaste Marine National Park Las Baulas,” analyzed 121 coastal lots of land with similar characteristics, and developed a model of prices using the same criteria.

4. The result of the study indicates that a typical lot in Baulas Park would have an average expropriation price of \$131 per square meter.

Based on these estimates, the total maximum cost calculated

would be \$40 million to acquire the coastal lots included in Playas Grande, Ventanas and Carbón.

However, this estimate does not consider the real estate crisis, nor the negative effect on prices resulting from the limitations of the use of hydrological resources, nor the resolutions of the Constitutional Court, which has demanded the continuation of the land expropriations.

Neither does it consider the fact that some of the “titled” properties include mangroves, which according to the law must remain as public lands in perpetuity, a situation we consider very critical that must be studied by the Attorney General’s Office.

**VI.** These arguments, regarding the final value of properties to undergo expropriation in newly created national parks, have been the norm in the majority of established national parks during the last 40 years.

What has really enabled the purchase and consolidation of national parks, has been the continued real and firm commitment to conservation on the part of all former governments, as well as the important collaboration of the international community.

Why not apply the same strategy to the park that protects the Leatherback Turtles?

It is of utmost importance for each Costa Rican to feel that this cause is HER or HIS cause. The segregation of a national park deprives its citizens of part of their natural heritage, and replaces it with harmful and negative developments.

**Far from the pretension to eliminate national parks, Costa Rica should be fostering the creation of new protected areas, especially coastal-marine parks, since the majority of fisheries and all of the marine resources of the country and the Planet, are being destroyed and are on the verge of extinction because of the attitudes and actions of human beings.**

**Our duty, and that of all Costa Ricans, is to protect the national parks, because they represent the heritage belonging to all us, but especially to our descendants and their descendants.**

*Now is the time to question if we Costa Ricans really want to continue to have national parks or are willing to allow them to be destroyed!*

**Honorable Members of Congress: we request you to reject Project No. 17383.**

Respectfully,

Collaborators with the National Parks of Costa Rica since 1970

**Karen Olsen Beck de Figueres**

**Alvaro Ugalde Víquez**

**Mario A. Boza Loria**

July 2009

## Costa Rica's national parks are under siege

Leatherback Marine National Park was created by decree in 1991 and by law in 1995 to protect the ecological integrity of Ventanas, Grande, and Langosta Beach, in addition to the nesting populations of leatherback sea turtles (*Dermochelys coriacea*), a species classified as Critically Endangered by the International Union for the Conservation of Nature (IUCN).

Unfortunately for the leatherback, things have changed since then. According to experts, during the last 20 years the population of leatherback sea turtles has diminished an estimated 90%. The leading factors for this are the unregulated poaching of nests and adult mortality from open ocean industrial fishing practices.

Guanacaste's coastal zone has also changed. Increased property values, in particular at beachfront, and sharply increased demand for national and international tourist accommodation near beaches, have contributed to an accelerated and unregulated type of urban tourism development that has compromised the ecological integrity of the area. Coastal development has now become the most recent and serious threat to leatherback sea turtles.

The creation of the Leatherback National Park has without a doubt had a very positive impact. By controlling nest poaching and coastal development efforts within 125 meters of the beaches over the last 20 years, the decision to create the park has guaranteed the nesting habitat's quality. In fact, 50% of the remaining Eastern Pacific leatherback population still nests in Leatherback National Park. Up to this point, the strategy has worked; however, a lot more needs to be done.

Experts agree that future efforts to save leatherback sea turtles must focus on the following strategy:

- Reduction of adult open ocean mortality rates
- Strict protection of their nesting beaches

While the first point requires the development of new fishing technologies and the elaboration of complicated international conventions, the second only depends on the decisions that this country makes.

Regrettably, it has not been easy to consolidate Leatherback National Park. There are powerful interests who are seeking to allow tourism development inside the National Park. These interests have relentlessly tried to misinterpret the boundaries inherent to the law that created Leatherback National Park, until the State Attorney had to rule in 2005 that Costa Rica was under the obligation to consolidate the park and proceed with the immediate expropriation of all land within the 125 meter protected coastal belt in order to strictly guarantee their conservation. The Constitutional Court has also ruled that the State's interests lie with the consolidation and the expropriation of corresponding properties in the park.

Not only have the authorities throughout the present administration disobeyed this mandate, but they have also presented multiple bills, each promoted by congressman Jorge Eduardo Sánchez, that propose changes to the park's limits in order to sidestep the court's ruling and authorize developments that satisfy the private interests of "developers". Fortunately, these bills have all been rejected by the Legislative Assembly's Environmental Commission.

Now, desperate, the "developers" have presented a new bill that proposes to downgrade the park's status - and level of protection - from a National Park to a Mixed National Wildlife Refuge. The difference with this project is that it does not come from a congressman in the Legislative Assembly, but from President Oscar Arias Sánchez himself.

This new bill is no more than another attempt to evade the Constitutional Court's binding resolutions, and is a reflection of yet another perversity of the politics surrounding this government's, "Peace with Nature" program.

Time is running out on the leatherback sea turtle. The bill has already been officially presented to the Environmental Commission for its ruling. The intention is to push its approval through before the end of the year, thus guaranteeing that the incoming administration cannot derail its progress.

The principal claim used to justify the bill is that there is not enough government money to pay the millions of dollars needed to expropriate. In reality, what there is too little of is political will to consolidate the National Park. As an example, the State has chosen to accept astronomical and fictitious property values to justify its behavior, when in fact the National Groundwater System (Senara), to which the President's decisions are bound, has determined that the land in question should only be dedicated to conservation efforts because of its fragile ecological makeup. How can properties not apt for development be worth so much?

### WHAT CAN WE DO TO DEFEND LEATHERBACK NATIONAL PARK?

Don't accept the excuses and official claims from the President that circumvent the Constitutional Court's rulings.

- Insist that the park be consolidated and that lawful expropriations be carried out.
- Voice your repugnance towards this bill by asking the Legislative Assembly's Environmental Commission to table the proposal.
- Tell President Oscar Arias to:

**"LEAVE THE LEATHERBACKS IN  
PEACE!"**

## Costa Rican scientists oppose Arias' plan to destroy Las Baulas.

Costa Rican scientists oppose Arias' plan to destroy Las Baulas. Costa Rica's "Peace With Nature" is seriously threatened by President Arias' plan to downgrade Leatherback Marine National Park. The uproar continues as over twenty scientists and conservationists in the country issued a decree in direct opposition to President Arias' plan which puts the park's environment at risk, while posing a serious threat to the future of the Leatherback sea turtle.

Every country is feeling the economic constraints imposed by the global financial meltdown. The challenge for Costa Rica is to find a way to preserve its national parks and the extraordinary abundance of life that are protected within their boundaries. Clearly, dissolution of these pristine natural jewels is not the answer. Opposition to this flawed strategy is the first step. We encourage a constructive dialogue in order to find a way to protect this country's park system, making it impervious to political expedience and macro forces beyond its control.

Please read the statement below and voice your opposition to President Arias' plan to undermine the very essence of Peace With Nature.

### Urgent Press Release to Make Country Aware of Leatherback Bill (exp. 17383)

The bill entitled "Law to rectify the Leatherback Marine National Park's Boundaries and Creation of Guanacaste's Leatherback National Wildlife Refuge" (Exp. 17383) signed by Costa Rica's President and Environmental Minister on May 5, 2009 and presented by the Presidential Ministry to the Legislative Assembly's Secretary Director on May 21, 2009, contains a series of egregious unconstitutionality pertaining to article 50 of Costa Rica's Constitution that guarantees every citizen the right to a healthy and ecologically sound environment. All of these can be summarized in the following points:

*1. It reduces the size of Leatherback Marine National Park, created by executive decree in 1991 and later by law in 1995, and excludes all land outside of the public zone without prior technical studies to justify the change in zoning as required by article 38 on the Environmental Organic Law.*

*2. The proposal is not backed by any type of technical study regarding the environmental conditions present to the area specifically regarding the buffer zone, nor the environmental carrying capacity of the park, but at the same time it proposes to override previously established technical criteria such as the "Research and Management Techniques for the Conservation of Marine Turtles" study that specifically pertains to the parks management.*

*3. It compromises the reason Guanacaste's Leatherback Marine National Park was established: For the protection of the Leatherback sea turtle and the conservation of its habitat and nesting areas, by excluding to adhere to the*

*aforementioned study and by decreasing its size (point 1) (articles 5 & 7), through which the level of protection is diminished to an unsatisfactory degree for the intended purpose of the park.*

*4. It compromises the collective interest in favor of personal interests: The bill prioritizes the private interest's of property owners whose lands are actually inside the parks boundaries over what the Constitutional Court called "interests of a higher value" referring to the public's general interest pertaining to environmental protection, not only by excluding all privately held lands from the park and preventing that the State acquire them as mandated in the Expropriations Law, but also it allows property owners to unconstitutionally - according to the Constitutional Court's ruling on December 16, 2008 - develop said lands.*

*5. It proposes to create the Guanacaste Leatherback National Wildlife Refuge on lands that the same bill excludes from the Leatherback Marine National Park (article 2), in order to minimize the impacts that these privately held lands have on the park, without any justification or other technical study that explains why it is necessary to remove these lands in the first place - as the originally reason for including them in the park was to lessen these very impacts.*

*6. The bill calls for the need to strictly protect these lands, without any technical study, while at the same time excluding them from the current protection they enjoy inside the national park, as is the case with the hillside El Morro situated outside the 100 meter maritime zone (articles 1 & 2).*

*7. It does not abide by any precautionary measures with regard to the environment and the Constitutional Court's ruling on December 16, 2008*

*8. It gives administrative powers to individuals, by creating, "an association consisting exclusively of the refuge's property owners" (article 9), giving them the authority to make decisions normally reserved for public administrators.*

*9. It excludes the possibility for future protection of these privately held lands inside the refuge's boundaries,*

*10. It orders a change in the type of land use permitted by law without incorporation of the variable mandated by the Constitutional Court on February 6, 2002, based solely on entertaining the conveniences of property owners and their own interests.*

*11. It establishes only urban development uses inside the refuge, "single family of multifamily housing, individual houses or condominiums, tourism constructions,*

## Leatherback park crisis galvanizes environmentalists

**P**laya Grande Conservation organizations and conservationists from inside and outside Costa Rica have joined a chorus of outrage against the threatened destruction of Las Baulas National Park and the Leatherback turtle nesting areas within its borders. Internationally renowned institutions have been communicating directly with the Costa Rican government and individual champions for conservation have been making their voices heard as well. At Nature Air's nature blog, we have been coordinating our efforts with PRETOMA.

We want to share with you excerpts from letters against this proposed legislation, in addition to comments from respected conservationists. They present an **overwhelming endorsement of Peace With Nature as a way of life, not simply as an expedient political posture**. The President appears to be the only voice in support of the dismemberment of Las Baulas and for the end of the Leatherback turtle! We have indicated links where appropriate in order to provide you with additional background.

*La Defensoría de los Habitantes* protects the rights of all people living in Costa Rica. The Legislative Assembly appoints this Ombudsman. La Defensoria can recommend sanctions and/or the dismissal of public officials. In a scathing rebuke of Arias' plan to dismantle Las Baulas, they stated, "President Oscar Arias Sánchez's Peace With Nature initiative - officially launched on June 6, 2007 - with its strong political commitment to fight against environmental degradation, must in turn find sustainable environmental options for the recuperation of the Leatherback Park's existing ecosystems, something that the present bill fails to do. The bill presented by the executive branch does not take into consideration scientific or technical criteria. Changing the park's boundaries and protection level would degrade its aquifers, wetlands, and Leatherback turtle nesting areas."

In a letter to Maureen Ballester, president of the Legislative Assembly's Environmental Commission, **Conservation International** (CI) reiterated its concern, originally voiced over a year ago, over plans to change the zoning and status of the Leatherback National Park. The conservation NGO cited the State Attorney's office and Constitutional Court rulings that have each clearly defined the park's boundaries, including the 125 meter beach front buffer zone critical for the protection of nesting sea turtles.

They state, "This type of initiative to downgrade the management level of a protected area is a very dangerous antecedent and opens the door for other protected areas to be segregated. The worldwide credibility that this little country has achieved, the product of visionaries and receptive governmental administrations, would be seriously compromised on an international stage."

The **Species Survival Commission of IUCN, the International Union for Conservation of Nature**, also weighed in. "We note with grave concern the proposed changes to

the legislative status of Las Baulas National Marine Park as outlined in Proyecto de Ley 17.383, particularly given the nature of the Park and the unique status it holds in ensuring the continued survival of the critically endangered eastern Pacific leatherback sea turtle. Moreover, we believe that downgrading the status of P.N. Baulas to that of Wildlife Refuge sends the wrong message to the rest of the world regarding Costa Rica's longstanding commitment to the preservation of sea turtles and wildlife.

**Carlos Drews, Coordinator of the Marine Program of WWF/Central America**, sent a letter to Congress opposing the bill N° 17383. Their main argument is that due to climate change, sea level will increase one meter during this century and the beach will go back 50m. For this reason, Baulas Park in its modified version (if the bill is approved) would be under water by the end of the century. This way the integrity of the most important nesting ground for the leatherbacks in the Eastern Pacific would be lost

**Ottón Solís**, presidential candidate on the Citizens Action Party shared his opposition directly with Nature Blog. "Be sure our Party (Citizen's Action Party) is opposing any intention on undermining this or any other protected area."

**Mario Boza**, one of Costa Rica's legendary conservationists, shared a reaction to a recent news story. "I am green with envy! While the President of the U.S. and his family are visiting the national parks of this country, the President of Costa Rica sends Congress a bill to eliminate one of our national parks, Baulas. Saludos. Mario Boza"

**Jim Spotila**, president of Leatherback Trust, offers a practical solution. "I think the important thing here is that it would be very easy to acquire the land within Las Baulas park if the government had a \$1/night tax on hotel rooms and 1\$/day tax on rental cars. That would raise at least \$10 million a year, a conservative estimate, and a 30-year bond could be done to raise \$300 million that could be used to reimburse all landowners in all parks and have an endowment for the parks into the future. What is missing is the political will in the government to put the words of Peace With Nature into action."

**Dr. Pilar Santidrián Tomillo**, Research Associate at Drexel University, voices her concern as a conservationist very familiar with Las Baulas. "I think it is important to know that Las Baulas holds about 50% of the Eastern Pacific leatherbacks, being the other 50% found in Mexico. The difference is the high concentration found at Las Baulas, where turtles concentrate in only 6 km of nesting beaches compared to the >60 km of the four index beaches of Mexico. You would expect that protection of just 6 km, being of such importance for the Eastern Pacific, would be easy!"

**Tex Hawken**, a friend of Nature Blog, who was directly involved with helping to launch Costa Rica's national park system over forty years ago, offers a mix of concern and

*Continued on page 6*

# Information Resources

## PRETOMA

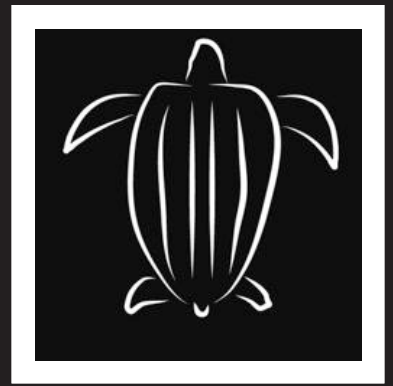
(<http://www.pretoma.org/sea-turtles/leatherback-crisis/>)

## National Resources Defense Council

(<http://www.nrdc.org/>)

## Nature Blog

(<http://blog.natureair.com/>)



*Continued from page 4*

*recreational constructions, ecotourism, public and private infrastructure” (article 11), contradicting the reasons for the establishment of national wildlife refuges to protect the flora and fauna found therein according to article 82 of the Wildlife Conservation Law No. 7317 of October 30, 1992.*

*12. It modifies the concept of “coverage” in the Urban Planning Law, allowing 100% of the private lands to be constructed upon.*

*13. It does not recognize the Tempisque Conservation Area (ACT), under SINAC, as the rightful refuge administrator.*

*14. It allows for the unjustified accumulation of coastal property value, since property owners inside the refuge will be exempt from paying real estate taxes.*

Dr. Rafael Arce Mesén, Geógrafo, Docente-Investigador, UCR  
 M.Sc. Mario Arias Salguero, Hidrogeólogo, CIG, UCR  
 Dr. Allan Astorga, Geólogo, UCR  
 M.Sc. Javier Baltodano Aragón, Biólogo, Coeco Ceiba  
 Dr. Nicolas Boeglin, profesor, Facultad de Derecho, UCR  
 M.Sc. Rolando Castro, Abogado, CEDARENA  
 Lic. Gabriela Cuadrado, Abogada, CEDARENA  
 M.Sc. Vanessa Dubois, Gestión Ambiental, FANCA/FUDEU  
 Dr. Rafael González Ballar, Abogado, Facultad de Derecho, UCR  
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 Web site: <http://llamadourgenteporelpais.blogspot.com>

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optimism. “There’s no doubt that many of the most important, pristine coastal areas are under siege, and it’s good that conservationists are drawing clear lines in the sand. If the founders (Mario Boza and Alvaro Ugalde) say that there is significant risk to the most endangered of sea turtles due to possible conflicts of interest, I take their word for it.

Over the years, I have witnessed the steady growth of Costa Rica’s global leadership in conservation and sustainable development - even as more species are pushed closer to the brink of extinction by pressures to maximize profits. This willingness to find a way is an inspiration to other countries, large and small. Peace with Nature sets a high standard.

It is my personal view that the Costa Rican people have proven extremely capable of making their wishes known to their elected representatives, while seeing that differences are resolved for the common good. This gives me hope that the great sea turtles will survive.”

--Larry Feinstein

**Peace with Nature** [www.peacewithnature.org](http://www.peacewithnature.org)

Peace with Nature is an initiative signed as a decree in 2006 by Costa Rican President and Nobel Peace Prize winner Oscar Arias which seeks to harmonize human actions and natural processes, thus minimizing their harmful effects on the biosphere. The IPN aims to reverse the local and global trends through concerted action by all nations, beginning with Costa Rica, but also seeking to challenge the international community.

#### Mission:

To contribute to human wellbeing and the perpetuity of ecosystems, their goods and services, through encouraging and facilitating action at all levels: public and private; institutional and individual; and national and international.

#### Vision:

To be an entity that initiates and advocates transcendental change in State politics and strategic intervention practices to promote sustainable development at the national and international levels.

## ON TRYING TO UNDERSTAND THE LEATHERBACK CRISIS --THE NEW SCIENCE OF COUPLED HUMAN & NATURAL SYSTEMS

Normally, social scientists study their area of expert knowledge--people, and all they things they do and make, and on the other side of the divide there are the natural and physical scientists who study everything else.

But a new approach that integrates the study of the two is revealing new and complex patterns that are not visible when the two domains are studied separately. This newly-emerging approach is called the study of **coupled human and natural systems** (Liu, 2007). These complex coupled systems of the human and the natural are nonlinear, which means that unexpected, unpredicted results show up in our daily affairs. There is also reciprocal feedback between the natural and the human domains to further complicate how the coupled systems act.

A classic example of how the two domains affect one another unexpectedly is the positive (or deviation-amplifying) feedback loop where an ecosystem condition or situation might affect tourism. The Leatherback turtle park is a good example. The park was created to protect the turtles. The beauty of the unspoiled beaches and the sight of the giant Leatherbacks laying their eggs attracts tourists. So far, this is a good case of sustainable tourism. But tourists not only look at turtles, they also sleep, eat, play, and spend money. They are a mainstay of the Costa Rican economy. This attracts another species to the beaches--entrepreneurs and speculators who see the tourist boom and, in the spirit of so-called free-market, free-enterprise capitalism, start buying up "useless" land in the park. Political and economic pressure builds up to protect the investments of powerful investors and elites. Laws begin to be ignored and changed to benefit the investors. Then economic development and hyper-tourism degrades the environment and this causes the natural environment and the turtles on the beaches that attracted tourists in the first place to decline, thus affecting the flow of tourists.

**Success breeds failure in this scenario.** But it doesn't have to end that way. Choices can be made now to preserve the turtle habitat and increase their protection. This would have the positive effect of increasing tourism sustainably and permit the Leatherbacks to live in peace.

Results of these complex feedback interactions between human and natural systems are non-linear.

Thresholds are reached and then there may be a sudden, unexpected change. Sometimes there are legacy effects

over decades. In the case of the Leatherback turtles, the nesting on the beaches of the Guanacaste peninsula predates human occupation. These turtles don't change their instinctual habits easily. They have survived 100 million years of change on earth quite well. But now there are too many humans in the Leatherback nesting areas. Traditional egg-foraging practices of local populations are endangering the nests. Laws are intended to prevent the gathering of eggs, but poachers feel no compunction in stealing as many eggs as they can gather. This is the free-rider problem--some people always take undue advantages.



The complexity of the coupled human and natural ecosystem in the Las Baulas Marine Park is affected by the diversity among the players in the drama. The vast differences among poor, subsistence-level Costa Ricans, middle-class Ticos, oligarchic elites, wealthy foreign developers & land speculators, expatriates, tourists, environmentalists, NGOs, governmental bureaucrats, the Leatherback turtles themselves, all set against the background of neoliberal trade policies, and the seamless, deep political weave of legal and extralegal practices, enforced and un-enforced environmental laws, and the massively intertwined global ecological drivers (such as climate change) make an extraordinarily uneven mix of players and factors deciding the fate of the poor, lumbering female *Dermochelys coriacea* turtles and their orphaned broods of wing-limbed babies.

Another factor in the complex ecologies of humans and nature is that situations are not static, but obviously change over time. Human population growth and trends of investment, and travel based on cheap petroleum, mixed with romantic conceptions of beaches-as-paradise, contribute to the complexity of the problem. Climate change and global weather perturbations, the melting of glaciers and polar ice, and the subsequent rise in sea levels probably means that the beaches of Guanacaste, and everywhere else in the world, will be lost to the sea in the lifetime of some people reading this report. The turtles, if there are any left, will look for other nesting areas, but may not find suitable habitat.

*Continued next page*

## Trying to understand

## Trying to understand the crisis

*continued from previous page*

The rising waters will brazenly destroy the investments of the moneyed classes on their beachfront properties in "paradise."

The institutions that could deal with the massively complex intertwined global-scale failures that are happening at this very moment are generally missing. We are in the midst of accelerating energy, food, and water crises. One billion people are technically starving right now. The production of oil has peaked and interconnected crises and catastrophes will happen as it gets more and more expensive to extract the remaining oil. Fresh water is being used up unsustainably by runaway human populations and industrial processes, maladapted agriculture and environmentally-costly raising of animals for food, and by processes of desertification abetted by human fossil fuel overuse. Fisheries are declining, major ocean ecosystems are on the

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"We need...new institutions, to help construct and maintain a global-scale social contract."

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verge of collapse, oceans are acidifying, diseases, pandemics, and pathogen evolution and resistance to antibiotics are some, but not all, of the complexly chained-together problems of humans and the non-human world. This list of woes has unwanted effects on climate, world ecosystems, human health, and world's economic system. These in turn have reciprocal effects on each other.

Clearly, a possible rapid development of connected and newly-hybridized institutions using global networked media of communication are a possible evolutionary adaptation for resisting and adapting to intertwined global problems. A recent environmental policy analysis puts it this way: "The institution of the nation-state has helped improve the well-being of many individuals, but at the cost of reduced global resilience. To address our common threats we need greater interaction among existing institutions, as well as new institutions, to help construct and maintain a global-scale social contract." (Walker, et. al 2009).

It is obvious that human institutions and behavior have not kept pace with the scientific discoveries and complex ecological research that has shown the depth of the anthropogenic (human-caused) problems. Although there are impulses to rely on largely imaginary utopian, or go-it-alone libertarian schemes, a true global ecology will require the spawning of newly co-evolved collaborative institutions, dynamics, policies, and locally successful ecologies.

--Stephen Duplantier, Ph.D.

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Illustration: The Gryphon, Alice, and the Mock Turtle.  
Tenniel illustration from *Alice's Adventures in Wonderland*

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## International environmentalist outraged by Costa Rican national park plan

Scientists and environmentalists continue to voice their opposition to the Costa Rican government's plan to downgrade Las Baulas Marine Park.

Who owns the earth? Does any government have the right to eliminate a species of plant or animal? When a country willingly accepts outside funds to preserve its natural resources, does it entitle those organizations or individuals to have a say in the future of those resources?

When the Costa Rican government unilaterally decides to devalue one of its natural resources, Las Baulas Marine Park, and threaten the existence of a nearly extinct species, the Leatherback sea turtle, can it do so without considering the international community that has helped support their preservation effort in the first place?

One member of that international community has raised his voice in protest. Michael Schnitzler is an absolutely extraordinary human being. I am personally at a loss for words when I read about this Austrian gentleman and what he has been able to accomplish on behalf of Costa Rica. The present administration of this country doesn't appear to have the imagination or motivation of this single individual when it comes to developing a strategy to preserve its national park system. They appear to be content to simply justify their decision to downgrade Las Baulas Marine Park, rather than exploring creative alternatives to preserve it.

Michael came to Costa Rica in 1989. He purchased land near Golfito and built a home there. According to Alvaro Ugalde, "Rainforest of the Austrians (*Regenwald der Österreicher*) was created by Michael Schnitzler in 1991, after he and I met to discuss conservation in the Osa. He took up the challenge of the territorial consolidation and land acquisition of Piedras Blancas National Park. Later, he got help from his government to help local communities adjacent to the Park."

Michael adds, "Since 1991, the non-profit organization Rainforest of the Austrians has been collecting donations to protect the Esquinas rainforest in the Osa Conservation Area. Thousands of Austrians have donated more than 3 million dollars, enabling the purchase of 3850 hectares (9500 acres) of endangered forest. The land has been donated to the Costa Rican government and is now part of Piedras Blancas National Park."

The unbelievable part of this story is that it is only the beginning of this man's effort. He was instrumental in developing the Equinas Rainforest Lodge, a textbook study of what a real ecolodge is all about. In conjunction with the University of Vienna, he helped to create the La Gamba Field Station, a research facility within the national park. His accomplishments go on from there. I strongly encourage you to take 25 minutes out of your busy day to listen to Michael describe his experiences in Costa Rica in a beautiful slide presentation. When you and I think about what we can do to make a difference against seemingly overwhelming odds, this man's story is an inspiration.

The entire aforementioned is a preamble to a letter Michael recently wrote to the Costa Rican ambassador to

Austria, Ana Teresa Dengo, adamantly protesting the proposed plan to downgrade Las Baulas to a wildlife refuge. While I could have simply reprinted the letter without sharing Michael's story, it would have devalued its significance. In many ways, Costa Rica belongs to all of us. Its precious natural gifts must be preserved. Special people like Michael Schnitzler understand this.

*Dear Mrs. Ambassador,*

*Please excuse my writing in English. You might remember that we had lunch together with Alvaro Ugalde two years ago. I am the director of the NGO "Regenwald der Österreicher" (Bosque de los Austriacos) that has been working since 1991 to preserve Piedras Blancas National Park in the Osa Conservation Area.*

*This is to express my deep concern about President Arias' proposal to change Las Baulas National Park into a mixed reserve. For almost 20 years, I have been promising the Austrian people that Costa Rica will never abolish a national park. What should I tell them now? I am very disappointed by the present government's attitude against conservation and in favor of the commercial development of a beach. It is extremely hypocritical by the government to launch a campaign called "Paz con la Naturaleza" while at the same time destroying its natural resources, and I am afraid that your country's reputation as a leader in conservation will be seriously harmed by this radical change in policy.*

*During the next days, Regenwald der Österreicher will be sending E-mails to around 6000 of our donors asking them to write to Señora Hannia M. Durán, Jefa de Area, Comisión Permanente Especial de Ambiente opposing the Proyecto de Ley 17.383. It is quite possible that you will be receiving telephone calls or e-mails from representatives of the media in Austria. I am sorry to cause you any inconvenience, but my conscience as a conservationist and my concern for Costa Rica's precious national park system makes this necessary.*

*If Las Baulas is changed into a "zona mixta", the same could happen to Piedras Blancas National Park and all the other parks. If Proyecto de Ley 17.383 is approved, I am very sorry to inform you that "Regenwald der Österreicher" will be forced to cease its cooperation with the Costa Rican government after almost 20 years. If you have any way of communicating this to President Arias, I would be grateful in the name of thousands of Austrians, including children from more than 200 schools, who have donated almost 3 million Euros to protect 3800 hectares of rainforest in your beautiful country.*

*Yours sincerely,*

**Michael Schnitzler**  
*Director, Regenwald der Österreicher*

## *For All Time*--the fight for the Leatherback sea turtle

**For All Time** is a 20 year old, award-winning documentary, addressing the urgency for creating the Las Baulas Marine Park. This video is timeless, primarily because absolutely nothing seems to have changed in the two decades since. Inaction is a co-conspirator with time, and both are mortal enemies to the preservation of the natural environment.

The Leatherback sea turtle has silently witnessed the demise of the dinosaur and somehow managed to survive over a million years, enduring every natural threat imaginable. In the blink of fifty years, we have brought these creatures to the very brink of extinction because we have confused stewardship of the natural world with ownership.

The three principals in the video have a long history with Las Baulas and are no less committed to its survival today. Mario Boza, one of the architects of Costa Rica's national park system is now a conservation authority, involved with countless projects and is still an outspoken advocate on behalf of the country's wildlife. Dr. Peter Pritchard is a world-renowned expert on turtle species. We have recently published his incredibly powerful plea on behalf of the preservation of Las Baulas and the entire national park system. It is a stunning bookend to his appearance in the video twenty years earlier. Mario Boza recalls, "Baulas Park was created in 1991 based on the research and recommendations by James Spotila, Frank Paladino and Peter Pritchard."

No one has been closer to this situation than Maria Teresa Koberg Gutierrez, who briefly recounts her story:

*The very same threats to the Leatherback sea turtles in Playa Grande that we encountered in the late eighties, rampant urban development and the destruction of the Leatherback's nesting effort, their eggs and hatchlings, are present today. Unfortunately, now only a few Leatherback's nest in Playa Grande every season because the*

*spoilage of their eggs during several decades, has taken its toll.*

*In the early 80's, empowered by the First Lady, Margarita Peñón de Arias [a biochemist, studied at Vassar] who had accepted, at my request, to be Godmother of the Sea Turtles of Costa Rica; I approached the protection of sea turtles along both the Caribbean and Pacific coasts.*

*Together with Alicia Vega Rojas, Margarita's personal assistant, Mario Boza, Director of the National Parks Foundation wherein the Sea Turtle Rescue Program created by myself was administrated, and Peter C.H. Pritchard, scientific advisor of the program; we were able to inspire the Girl and Boy Scouts Association of Costa Rica to help us protect the sea turtles. It worked, and under the firm and wise guidance of Stanley Rodríguez Méndez, more than 3,000 youngsters patrolled the beaches at both Matina and Playa Grande. The results were amazing and included the creation of Las Baulas de Guanacaste Marine National Park and the inspiration for creating two Leatherback sea turtle reserves along the Caribbean coast, at Pacuare, north of Matina: The Endangered Wildlife Trust's Pacuare Reserve, founded by John Denham and administrated for more than two decades by John, and Carlos Fernández Alfaro, along with Estación Las Tortugas, founded and administrated by Stanley Rodríguez Méndez.*

*The Girl and Boy Scouts' program also brought sea turtle conservation, up to then the domain of government officials and foreign scientists, to the Costa Rican middle class. At present, Costa Rican sea turtle beaches are protected by both Costa Rican and visiting volunteers.*

**The story behind the production of *For All Time* is one of overcoming all sorts of challenges, plus a fair amount of serendipity.**

**You are encouraged to visit the web site of the Honu Project to see the documentary:**  
<http://world-turtle-trust.org/>



## Sea turtle biologist refutes claims of Arias administration

The political response to the simmering controversy over the proposed dismemberment of Las Baulas National Marine Park comes as no surprise. It is the job of all political subordinates, regardless of country or circumstance, to support their leader. In this case, it is Jorge Rodríguez, Minister of MINAET, Costa Rica's Environment, Energy and Telecommunications Ministry. He wrote an opinion piece in the August 18th issue of *La Nación*, entitled, "Conservation Remains our Priority".

In spite of what he has to say, which is totally refuted by a Ph.D. and sea turtle biologist from Drexel University, Pilar Santidrián Tomillo, he is merely a stalking horse for President Arias. There is no question that the expropriation of the land within the national park is a very serious financial challenge, although exaggerated by administration calculations. However, the scientific issues relating to Leatherback sea turtle habitat and the delicate ecosystems within the park ought to be left to the scientists and not the politicians.

On August 5th, 2005, President Oscar shared his bold vision for Peace With Nature and the very first sentence stated, "Peace with Nature is an invitation to all the countries of the world to unite in a joint effort to strengthen their actions and political commitment in order to reverse the trends of environmental degradation caused by the impact of human activities on the planet's ecosystems."

This policy catapulted Costa Rica to the front of the line of countries committed to the preservation and protection of their natural resources. Along with a goal of carbon neutrality by 2021, this small country earned a big seat at the head of the table.

There is simply no justification for downgrading a national park to a wildlife refuge. If Costa Rica can find money for sports stadiums, surely it can look for a way to preserve its Peace With Nature. When the government has to split hairs and stretch the truth regarding the threat to a critically endangered species like the Leatherback turtle, they have already begun to dangerously erode their precious position as a champion on behalf of nature's preservation. For a country that earns billions of dollars because of its green reputation, they risk everything by sullyng it.

Please read the following erudite refutation of Minister Rodríguez's opinion piece in *La Nación*, authored by Pilar Santidrián Tomillo, Ph.D. and sea turtle biologist at Drexel University.

### To the Editor of *La Nación*:

"I write this letter to respectfully answer issues raised in the article published in *La Nación* on August 18, 2009 by Jorge Rodríguez, Minister of MINAET, about Las Baulas de Guanacaste Marine National Park. I would like to point out that some of the historic and scientific information included in the article is incorrect and could lead to inadequate interpretations and foster disinformation about the Leatherback turtles among the readers of *La Nación*.

First of all, I would like to clarify that the main cause for the decline of nesting turtles on the beaches of the National Park was the poaching of eggs that took place intensively in the 1970s and 1980s, and that extended for approximately 20 years at absolutely unsustainable levels for any population of sea turtles. This information was published in the international scientific journal *Conservation Biology* in 2008.

Likewise, fisheries also had an important effect on the Leatherback turtles in the 1980s; however, the impact of fisheries is now considered low (but high for other species of marine turtles such as the green and olive ridley turtles, information to which Don Jorge Rodríguez is probably referring). Furthermore, all of the 46 turtles studied by satellite telemetry during the nesting season in years 2005, 2006 and 2007 left the waters of Costa Rica without being affected by fisheries. Even if fisheries were important in the past and poaching of eggs nearly collapsed the population, the current threats are nowadays the ones that compromise the future of the Leatherbacks. These threats are climate change and tourist development on the nesting beaches.

One can interpret reading Don Jorge Rodríguez's article that the establishment of the Tamarindo Wildlife Refuge by Decree in 1987 provided protection to the Leatherback turtle; maybe with the intention of justifying the current proposal to lower the category of Las Baulas from National Park to Wildlife Refuge. However, it is of extreme importance to emphasize that this refuge did not protect the Leatherback turtles properly. The effective conservation of the Leatherback turtles did not take place until the area was protected as a National Park.

Furthermore, we can read the following reference in the scientific report for the creation of Las Baulas de Guanacaste Marine National Park written by Dr. Peter C.H. Pritchard in 1990: "The current designation of Tamarindo Wildlife Refuge, administered by Tempisque Conservation Area has been inadequate to protect the land and beaches of LBG (Las Baulas de Guanacaste)". He continues with the statement: "the beach is subject to chaotic and catastrophic levels of turtle egg collection and visits to the beach of groups without a guide or control. In addition, the habitats at the beach front are threatened by a scenario of commercial development. In any case, the beaches and mangroves are already protected in all Costa Rica by national laws, and the designation of Refuge does not contribute anything new." Dr. Pritchard ends with the categorical affirmation: "LAS BAULAS DE GUANACASTE needs to be a National Park."

The protection on the beach started in 1988 thanks to a group of citizens lead by Maria Teresa Koberg, Peter Pritchard, Mario Boza, Esperanza Rodríguez, Edwin Rosales and Stanley Rodríguez. The initiative was to incorporate the guides and scouts of Costa Rica for protection duties at Playa Grande. Over 3000 children from all over



## Seeing Clearly

What does seeing clearly mean? It doesn't mean that you look at something and analyze it, noting all its composite parts; no. When you see clearly, when you look at a flower and really see it, the flower sees you. It's not that the flower has eyes, of course. It's that the flower is no longer just a flower, and you are no longer just you. Flower and you have dissolved into something way beyond what we can even say, but we can experience this. This kind of seeing, this kind of understanding is "as-it-is-ness." This wonderful intuitive wisdom infuses everything we do, if we just open ourselves up to it, and forget about all our selfish, petty concerns, forget about what we want, what we must get, whether this is doing something for us. Forget it. We are here for the sake of all sentient beings, and we are one with all sentient beings when we come to see this as-it-is-ness.

—Maurine Stuart, from "Our One and Only Commandment," *Tricycle*, Fall 1996

the country participated in the program for the first time in 1988-1989, during the school holidays (December-February). These children stayed awake at night to talk directly to the poachers and to convince them of the effects of their actions on the turtles. Surprisingly, the pressure of the group of kids had an effect on an ashamed group of adults, and the intense poaching was reduced quickly, although it was not eradicated until the years of the National Park and the permanent protection provided by the park rangers of MINAET.

The impact of poaching on the population was catastrophic but the cessation of it, in contrast to what happened to other populations such as the one in Malaysia (today considered extirpated), allowed them to survive. In addition, it constituted one of the keys of success of conservation at Playa Grande: the change in attitude of the local people, many of whom stopped collecting and selling turtle eggs in order to become tourist guides within the legal associations of the National Park. This step from poachers to tourist guides was without doubt and from any point of view, admirable.

During nearly 20 years, many people have participated

in the conservation of the Leatherback turtles on the beach (scouts, local guides, park rangers, biologists and volunteers) and countless tourists from all over the world have waited until the early morning hours to enjoy the indescribable spectacle of nesting. The effort that beach work takes is only understood by those who have spent time doing it, having felt tired, sleepy, hopeless and cold in the rain. This effort deserves to be compensated by the continuity of the protection of such a wonderful and noble species. It is a heritage for all humanity, for the present generation and generations to come."

Costa Rica's national park system was created to protect and preserve nature from our insatiable appetite for profit and progress. These pristine places are the most valuable gifts we have to pass on to our children. Our own future as a species is inseparable from the future of this ancient creature. Sanctuaries like Las Baulas are vital for our survival.

# Threats to the turtle park a danger for all the national parks, ecotourism, says conservationist

International conservationists continue to protest Costa Rica's plan to downgrade Las Baulas Marine Park, threatening the very existence of the ancient, Leatherback sea turtle. The country's national park system anchors the billion dollar a year tourism industry and compromising it will undermine this vital economic sector, not to mention its global status as a bastion of wildlife and ecosystem protection.

On September 2nd, Carl Safina, Ph.D. wrote an opinion piece in La Nación, voicing his opposition to the proposed plan for Las Baulas, which we have translated and printed below. Dr. Safina is a member of the Blue Ocean Institute at Stony Brook University in New York. He wanted me to add the following to his editorial, "You can say I was there for 12 days in 2003 in the course of writing my book *Voyage of the Turtle*, but more than that I visited leatherback turtle nesting and feeding and migration areas in Canada, the U.S., the Caribbean, California, Mexico, Costa Rica, and New Guinea. I got a really good feel for the importance of Baulas Park."

Look at the pictures of the turtles in this magazine. It's sickening to imagine that these spectacular animals could become extinct! The outcry from conservationists around the world is calling Costa Rica to task. *Who will speak for these exquisite, timeless beings if we don't?*



**How can this ecocide be allowed to happen in Costa Rica?**

To the Editor of La Nación

Many international conservationists are disturbed by news that Costa Rica's Congress is considering a bill to do away with Las Baulas National Park. Baulas is not only absolutely vital to the existence of Costa Rica's Pacific leatherback sea turtles. It is the most important remaining nesting ground of this critically endangered turtle in the entire east Pacific Ocean.

These turtles are extraordinary; they can weigh up to one ton. A few years ago, I traveled throughout the Atlantic and Pacific while researching a book I wrote on these creatures. I saw many of their sites and former sites, and came to understand what is needed for their survival, and how, in well-managed sites in the Caribbean, especially Trinidad, these turtles draw many tourists.

Their Pacific population is in great trouble due mainly to beach disturbance. They have declined by about 98 percent since the early 1980s. Former large nesting populations in Mexico are a tiny fraction of earlier numbers. In the west Pacific, the leatherback turtle's largest population has apparently gone extinct in the last few years.

These creatures, and the world, need Costa Rica to do what it can to protect the remaining Pacific leatherbacks and promote their recovery. And so little is required. All that is needed is darkness on the beach at night and protection of nests. The beach at Las Baulas Park that is currently without houses should remain so, and the Park should be reaffirmed by Costa Rica's Congress. Existing homeowners should keep lights low and use yellow bulbs outside at night. For this little investment, Costa Rica and cooperating local homeowners would make a significant contribution to world conservation.

# Leatherback Crisis



**Leatherback** sea turtles (*Dermochelys coriacea*) have inhabited the oceans for millions of years, surviving the extinction of the dinosaurs. These magnificent creatures are the world's largest living reptiles, perhaps challenged only by the Nile River crocodile. They have an average weight that ranges from 400 to 500 kilograms, and an average carapace length of 2 meters. The largest specimen ever recorded was an individual that stranded along the coast of Wales. It was almost 3 meters long and weighed over 900 kilos.

Leatherbacks formerly nested abundantly throughout the beaches of the Eastern Pacific. Its main nesting beaches were located in Mexico, Nicaragua and Costa Rica. Unfortunately, leatherback sea turtles are vanishing before our very eyes. Playa Grande, in Las Baulas National Park, formerly harbored one of the species' main nesting sites, but the population has dropped drastically (population decline graph). Optimistic estimates indicate that only about 30,000 leatherbacks remain worldwide. Eastern Pacific leatherbacks are suffering the worst crisis, with an estimated population of less than 3,000. This species could be extinct from the Pacific Ocean in 15 years if we don't reverse the tragic current trend. Sadly, leatherbacks are classified as critically endangered of extinction by the World Union for the Conservation of Nature.

## Several culprits are to blame for this tragedy.

\* Poaching of nests for local commerce. In Latin America, there is a generalized false belief among the population that sea turtle eggs are aphrodisiac. Some nesting beaches have suffered 100% poaching rates for the last decades.

\* Alteration of habitat for beach developments to satisfy the tourism industry. Hotel developments tend to illuminate nesting beaches and thus alter the dark pristine conditions that leatherbacks need to nest. Lights don't only discourage adults from nesting, they also disorient hatchlings. Furthermore, the massive visitation of tourists with no control may severely impact nesting turtle behavior.

\* Incidental capture and death during high seas commercial fishery operations. Currently, an indiscriminate industrial fishery is being carried out in the Eastern Pacific, which targets pelagic species of fish (marlin,

sailfish, swordfish, tuna, mahi mahi, sharks), using long-lines.

## What can we do to save leatherback turtles from extinction?

Any measure that seeks the overall reduction of fishing effort, the elimination of piracy and illegal fishing, the consolidation of Marine Protected Areas, or fosters the development of technologies that mitigate the impact of fisheries on incidentally caught species, will help save the leatherbacks. Furthermore, it is widely accepted that the best solutions to this problem will stem from the initiative of the fishermen themselves, thus their direct participation is crucial.

\* Find out about the work carried out between the longline fishermen of Playas del Coco, Guanacaste, and PRETOMA, to solve this problem.

\* Send the take-action letter herein addressed to officials in Costa Rica, to protect the Leatherback park.

\* Support the approval of the Law to Extend the Leatherbacks of Guanacaste Marine National Park, in Playa Grande, Costa Rica.

\* Support the resolution signed by the participants of the International Leatherback Survival Conference, carried out from April 21 to 25 of 2002, in the Asilomar Conference Center, Monterrey, California, and add your signature to a sign on letter addressed to Ban Ki-Moon, Secretary General of the United Nations, and published on February 18 of 2003 in the New York Times, calling on a United Nations moratorium on longline fishing in the Pacific Ocean until these activities can be carried out without negatively impacting endangered marine species. This international campaign is coordinated by the Global Response Network and the Sea Turtle Restoration Project

\* Support organizations that protect leatherback turtles, such as the Leatherback Trust, and the Sea Turtle Restoration Project, or who are working on an international prohibition on shark finning, WildAid, Greenpeace, & Sea Shepherd Conservation Society.

**Contact PRETOMA for more information about protection of the marine environment. Click here [www.pretoma.org](http://www.pretoma.org)**

## “How can we stop Oscar Arias?” --Pretoma asks

On July 25, more than 30 conservationists from San José, together with over 300 community members from towns around Leatherback Marine National Park, gathered in Nicoya, Costa Rica for a demonstration against bill 17.383 to downgrade the park to a wildlife refuge. President Arias and other top ranking governmental officials attending the celebration of the 185th anniversary of the regions' annexation from Nicaragua, walked right into a full blown manifestation against the bill (Watch the YouTube video).

Posing as an educational group from the University of Costa Rica, demonstrators gained access near the event's main stage where they unfurled banners and, brandishing megaphones and microphones, began voicing their support for the continued protection of the park and their opposition to this government's propensity to cater to private development interests. In addition to the demonstration, park supporters will send 300+ individually signed letters - collected at the event - to members of the Legislative Assembly.

During Oscar Arias' administration, private development interests have been encouraged to mount interminable attacks against Costa Rica's Leatherback Marine National Park, located along the country's northern Pacific Coast. Over the past few years, multiple bills have been written, each one proposing to rezone the park and open its beaches up to coastal construction projects. Thankfully, through the diligence of the Legislative Assembly's Environmental Commission, every one of these bills has been tabled.

Desperate to exploit their individual intentions, developers have presented a new bill which proposes to degrade

the national park to a mere national wildlife refuge. The bill is backed by President Oscar Arias Sanchez himself, who has ordered the members of his National Liberation Party to support it. By showing his support and handcuffing his fellow party members to act otherwise, Arias intends to push the bill through the Environmental Commission and plenary vote before the country's national elections take place in February. Doing so would guarantee that the incoming government does not meddle with his intentions.

### How can we help stop Oscar Arias?

Costa Ricans, together with the international community, must demand the immediate consolidation of Leatherback National Park, and pressure the executive branch to stop its attempt to amend the law that established the park in 1995. Show your repugnance by asking the Legislative Assembly's Environmental Commission to table this bill by signing Pretoma's online petition.

**Tell President Oscar Arias to:  
"Leave the Leatherbacks in Peace"**

#### For more information:

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*Pretoma is a Costa Rican Civil Association of Public Intest and is an active member of the International Union for the Conservation of Nature IUCN and the World Society for the Protection of Animals WSPA. For more information visit [www.pretoma.org](http://www.pretoma.org)*



## "A national park should never be compromised"

The pre-eminent scholar in the world of turtles, Dr. Peter C.H. Pritchard, has added his weighty voice to the resounding chorus opposed to President Arias' incredibly ill-thought-out plan of downgrading Parque Nacional las Baulas.

Dr. Pritchard has devoted his life to the study of these timeless creatures and nearly twenty years ago, he established the Chelonian Research Institute. His credentials are impeccable and his devotion unquestioned. His defence of Las Baulas is both heart wrenching and without compromise.

Countries and their natural resources are not the pawns of politicians, nor should they be cavalierly co-opted for financial gain. Costa Rica's global reputation is based on the perception that it is different from its peers. It has set the bar very high as a country that others should be inspired to emulate. What is the message conveyed by this shining example of Peace With Nature, when it lazily capitulates to the challenge of preserving its natural heritage?

Please read Dr. Peter C.H. Pritchard's letter to Sra. Hania Duran of Costa Rica's Legislative Assembly. Share this with your friends and let your voice be heard.



**Countries and their natural resources are not the pawns of politicians, nor should they be cavalierly co-opted for financial gain.**

Sra. Hania Durán  
Comisión Permanente de Ambiente  
Asamblea Legislativa  
San José, Costa Rica

Estimada señora Durán:

I would like to add a brief commentary upon the current negotiations and proposals regarding the Parque Nacional las Baulas. My point is very simple: National Parks are very difficult to establish. They take time, money, education and involvement of local people, sustained dedication on the part of the proponents, and sustained vision on the part of agencies of government and elected officials. They also mandate ecological research and investigation, land survey, economic projections, and much more. Consequently, when all of this has come together and a National Park has been declared and established, there is an essential rule:

**A NATIONAL PARK SHOULD NEVER, EVER, EVER BE DISSOLVED OR ITS STATUS LOWERED**

It can be physically extended, or the degree of protection it offers can be enhanced, and disturbed or damaged wetlands and other key ecosystems can be restored, but one should never take a backward step. A national park should never be compromised.

The whole process of setting aside some of the unique ecosystems of the world in perpetuity by application of the national park option will collapse if all of the coordinated work, by many parties, that initiates a national park turns out to be reversible. The visionaries will just give up if that happens. Human population growth, industrial growth, and land development are not bad things in themselves, but they quickly become bad things if they are allowed to bring about ruin or obliteration to natural areas that a previous generation promised to protect.

Believe me, the pressures on the surviving natural areas will become ever worse as populations increase; "temporary" national parks will collapse like a house of cards if vigilance is lowered even briefly. We must be ready to defend the National Park System of Costa Rica against all such pressures. Parque Las Baulas is for ever. Our descendents will not forgive us for letting it go.

**Peter C.H. Pritchard**  
Founder and Director  
Chelonian Research Institute

## Costa Rica's Peace With Nature policy threatened

*The potential dismemberment of a national park makes this a pivotal time for Costa Rica's future*

Costa Rica's government is poised to undo the country's exceptional national park system, which is at the heart of their incredibly successful tourism industry, not to mention being the most effective way to preserve hundreds of species that call these pristine sanctuaries home.

At one time Dr. Oscar Arias Sánchez said this, "Peace with Nature is an invitation to all the countries of the world to unite in a joint effort to strengthen their actions and political commitment in order to reverse the trends of environmental degradation caused by the impact of human activities on the planet's ecosystems."

But conservationists Alvaro Ugalde, Mario Boza, Karen Olsen Beck de Figueres object, "If we permit the precedent of reducing and downgrading a national park, we will stand at the threshold of the collapse of the entire system of national parks, allowing our environment to undergo further deterioration."

On May 14th, Law 17.383 was introduced to Costa Rica's Legislative Assembly to essentially dismember Las Baulas National Park. The proposed law will create a mixed refuge that would allow the construction of "one-family residences, multi-family residences, either individually or in condominium; tourist recreational residences, recreational installations, tourist developments including ecotourism; and public and private infrastructure for offering public services," quoting from the Arias-sponsored bill.

The bill would eliminate the concentrated authority necessary for protected areas by turning jurisdiction over to municipalities, ICT, the Ministry of Housing and groups of landowners. In addition, it would reduce even more the availability of drinking water for small neighboring communities and it would certainly contaminate underground water sources due to the shallow nature of the aquifers.

The National Marine Park Las Baulas de Guanacaste was established in 1991 and legally consolidated in 1995. It is the most important nesting site for the endangered Leatherback turtles in the Eastern Pacific. Most of the nesting takes place on Playa Grande, Playa Ventanas, and Playa Langosta, all within Las Baulas. Development on nearby Playa Tamarindo and Playa Flamingo has eliminated nesting on those beaches. Less than ten years ago, the International Union for the Conservation of Nature (IUCN) declared the leatherback sea turtle on the Red List of Threatened Species.

**The government's justification for the dissolution of Las Baulas is about money, whether the cost of nationalization of the park or on a more sinister level, the money to be made by private interests with its commercial development. Espousing Peace With Nature is free, but living it is not. Needless to say, there is a tremendous disparity between the administration's valuation and those on the side of the park's preservation, which is not the core issue. While it may be about cost, it is the ultimate cost to Costa Ricans if the integrity of the park system is devalued.**

Costa Rica recently made headlines by scoring number one in the "Happy Planet Index," developed by a British research group. Its goal is to build a new economy, "centered on people and the environment." The country's billion-dollar tourist indus-

# Take Action Today



1.

The most important thing you can do right now is to write to government officials and the Deputies in the Costa Rican Assembly who will be voting on the Expediente 17.383--the bill to "correct" the boundaries of the Leatherback Park.

**Tell them what you think.**

2.

Click on link below

[www.gruporizomas.com/takeaction.html](http://www.gruporizomas.com/takeaction.html)

to pull up a page that allows you to send an email to Costa Rican officials and sends CC's to environmental organizations as a backup. When your email client pops up, copy the text of the letter and paste in the message area, or write your own letter. Pass this page on to your friends and allies. *Why not post this page on your Facebook or Twitter home page? It will help get the word out. Do you use other social media networks? Get the message out there as well.*

3.

Send your Take Action message today. Turtles walk slowly on the beaches, but you should act quickly. We have included our address and two other environmental organizations active in the struggle. By sending copies to environmental organizations, you will show to responsible parties in the Costa Rican government that there is a permanent copy of your message on the servers of these environmental organizations.

try is based on the perception that it is totally committed to the preservation of its environment.

It is in the long-term best interest of Costa Rica to preserve its rainforests, beaches and the countless flora and fauna that are at the mercy of public policy.

Las Baulas National Park must be preserved. A dialogue needs to be created and a solution found. Affordability is a shallow rationale versus the dire consequences of dismembering a national park. This is a pivotal time in Costa Rica's future and we strongly encourage other voices to speak out on behalf of a true

## Conservationist opposes Las Baulas downgrade

Julian Bakker, an international conservationist, speaks out against the Costa Rican government's plan to downgrade Las Baulas Marine Park home to the critically endangered Leatherback sea turtle. Bakker is a retired Dutch lawyer who has spent the last ten years on environmental conservation projects in Colombia and later in Costa Rica. He represents the Environmental Association for Latin America, EALA, which works at times with APREFLOFAS, APS Dominical, and other Costa Rican environmental NGO's. Since EALA is duly registered in Costa Rica, it is able to present, and has done so on various occasions, charges against perpetrators of environmental law violations and/or authorities that fail to take action against them..

In addition to involvement with Leatherback preservation, the English web site of EALA is dedicated to informing foreigners about current environmental challenges in Costa Rica such as the new airport in Sierpe, the Golfito Marina, the open-pit gold mining projects of Bellavista and Las Cruces, and the risks from large scale pineapple and oil palm cultivation, They also own a 30 hectare nature reserve at La Gamba, near Golfito.

What follows is the English translation of a letter EALA wrote to the Costa Rican Ambassador to the Netherlands:

*His Excellency the Ambassador of Costa Rica  
in The Netherlands  
Amsterdam, 2 September 2009*

*Dear Mr. Ambassador,*

*Recently, the Government of President Oscar Arias has proposed to convert the National Park Las Baulas into a national wildlife refuge. In the current parliamentary session, the proposal is being studied by the Environmental Commission under nr. 17.383.*

*We are deeply concerned about this proposal. The present park is of vital importance for the Leatherback turtles, the biggest turtles in the world, to lay their eggs. The Leatherback turtle is in serious danger of extinction due to the destruction of its habitat and the large-scale fishing on the high seas.*

*The majority of the lots situated in the National Park Las Baulas belong to private companies and persons, many of whom are foreigners. Several of these companies and persons have acquired their lots with the knowledge that they were located within the park and that development would be prohibited, thus at their own risk. Under these circumstances the values of these lots are low and the cost of expropriation for the Government of Costa Rica is not very high.*

*If the Government should not clear the lots and should allow construction in the area with direct influence to the nesting beaches, there are great risks of destruction of nesting areas and removal of eggs while illumination of future houses will have a catastrophic effect on the orientation of the turtles at sea. Moreover, the gardens, swimming pools, septic tanks, pavements, streets, the passing of vehicles, etc. will change the ecosystem and negatively affect the aquifer underneath the park.*

*The Attorney General of the Republic has determined that the Government can expropriate the lots within the park. A few months ago, the Constitutional Court ordered the Government to suspend the granting of construction permits and urged the authorities to continue the expropriation procedures.*

*It would be a very negative signal to international tourism and for the reputation of Costa Rica to conserve its valuable natural resources if the Government should degrade the National Park Las Baulas to a mixed wildlife refuge just to please some national and foreign investors.*

*Sincerely,  
Julian T. Bakker*

*EALA [www.latinambiente.org](http://www.latinambiente.org)  
Amsterdam, The Netherlands  
La Gamba, Costa Rica  
[www.latinambiente.org](http://www.latinambiente.org)*



## In Defense of Peace with Nature



An extraordinary thing happened in Costa Rica on December 1, 1948 after a successful revolution against anti-progressive forces. José Figueres Ferrer abolished the Costa Rican Army. The photograph of Costa Rica's Man of the Century, Don Pepe, taking a hammer to the wall of the Cuartel Bellavista became the symbol of an act that changed this small country forever. He boldly stated, "The army hands over the keys to the barracks, to be converted into a cultural centre. We are the sustainers of a new world in America. Little Costa Rica offers its heart and love to civilian rule and democracy."

Central America had a history of being the opportunistic playground of empire-building nations and corporations from other continents. It was being plundered for its resources and its people were incidental pawns in the games of these power brokers. Their own governments were often run by ruthless dictators who carried out the wishes of their invaders. When one looks at the political landscape of the time, both within Costa Rica and the other countries of the region, this single act of Figueres is without parallel.

During an interview with the New York Times in 1973, he said, "I am what you might call a farmer-philosopher." Nature was frequently the metaphor for his discourses and that was certainly the case in his thoughts in his book about the revolution of 1948, *El Espiritu del 48*.

*"I did not plant all the trees in the forest. I set out like the sower of seed early dawn for the landscapes of my country to plant ideas, inspiration, ideals and enchantment. There took root the noble soul of this country and the honest groundedness of our people.*

*That was the revolution. That was the spirit of 48!"*

More than 50 years later, another seed was planted and it now has the promise of equaling that historic moment for Costa Rica. On May 8, 2002. The newly elected President, Abel Pacheco delivered his inaugural address:

*"We will compete without destroying Nature because, beyond the events of the moment, our rich bio-diversity will always be a great wealth and we will preserve it. Before we declare peace among ourselves and we declare peace among all nations; now we should declare a peace with Nature."*

It took about five years for this seed to grow into an initiative authored by the next President, Oscar Arias and aptly entitled, "Peace With Nature."

Peace and nature are irrevocably linked together in this country, clearly enunciated by the new President in his initiative. He wrote, *"In addition to having a long tradition of democracy, peace and respect for human rights, Costa Rica has been internationally recognized for its pioneering efforts to protect the environment."*

Armies of nations, warlords, and terrorists still champion violence as a means to peace, or achieving their selfish needs, and it is impossible to separate the two. Nature is the battleground for these armies and the battles and casualties have been fierce. But a new battalion has joined their ranks-champions of the force of greed. Our natural world has finally fallen victim to the relentless onslaught of the soldiers of greed. The greedy have depleted our resources, polluted our streams and oceans, killed off thousands of species, and poisoned our air and bodies with their pollutants.

Once again, Costa Rica must lead by example. Violence against people and nature comes from the same seed. It is time to defend peace and nature. It is time for the voice of the Leatherback to become the voice of the people. Please save Las Baulas National Park and send another message to the world that, "Little Costa Rica offers its heart and love" to nature.

If Costa Rica fails in this final battle, the world will be a much more dangerous place to live in.

--Larry Feinstein

References:

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# Leatherback

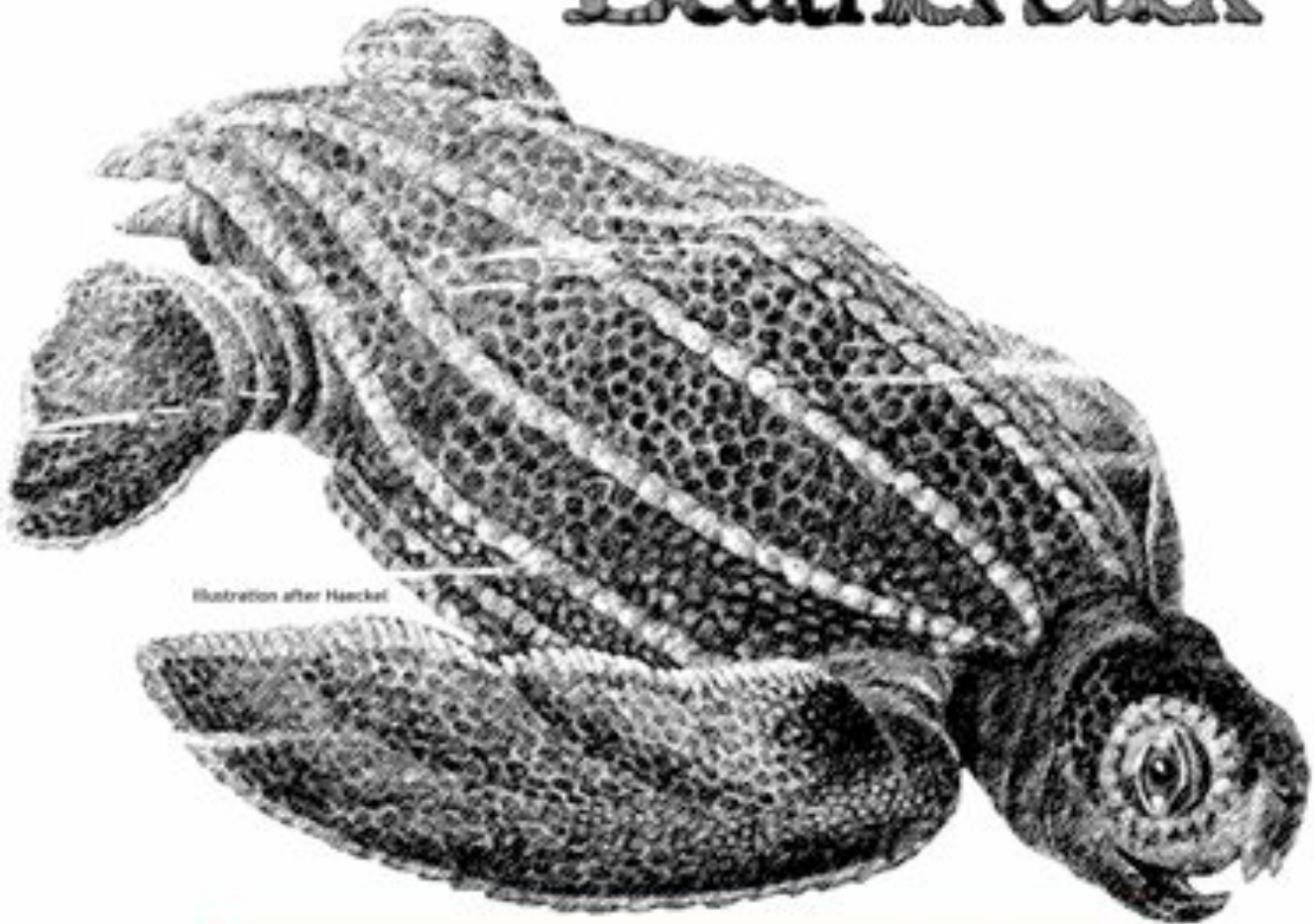


Illustration after Heecker

Leatherback turtles evolved more than 100 million years ago. Thousands of females once nested at Playa Grande each year but now barely 100 remain.

Leatherbacks are the largest turtle in the world. They can grow to nine feet and weigh more than 2,000 pounds.

Adults are usually black with a pinkish, white belly and pink and white spots on the top of their head.

Migratory Leatherbacks range around the globe. They eat jellyfish, sea urchins, squid, algae, and seaweed. Their throats have spines that prevent prey from escaping

Only 2,300 reproducing females remain. They lay 100 or so eggs on sandy, tropical beaches. The nesting period lasts one to two weeks. Two-inch hatchlings emerge after about two months.

Nesting sites are disturbed and destroyed by pollution and development.



## Costa Rica's President: It's Not Easy Staying Green

By TIM ROGERS / SAN JOSE *Published Oct. 10, 2009*



Photo: iStockphoto.com

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From the ubiquitous T-shirts sporting a red-eyed tree frog clinging to an Imperial beer bottle, to the best-selling postcards featuring the flamboyant poison-dart frog holding court in the rainforest, Costa Ricans today identify with frogs the way Russians relate to bears. That's because Costa Rica over the past generation has built a reputation as one of the world's greenest countries. It so jealously guards its environment that 26% of its territory is under national park protection, its eco-tourism sector is a \$2 billion-a-year cash cow and its forest cover has actually doubled since the 1980s — thanks to more trees per capita being planted there than anywhere else. "Cutting down a single tree in Costa Rica is cause for scandal," says Pedro Leon, head of the administration's Peace With Nature Initiative.

*(Read how Costa Rica is turning its environment into a luxury tourist destination.)*

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Lately, Costa Rica has further stretched up its green ambitions, pledging to become one of the only developing nations to make itself "carbon neutral" — a zero net-emitter of carbon — by 2021. (Madagascar is the only other developing country to set that goal.) Costa Ricans, or Ticos as they call themselves, believe it's attainable largely because 95% of their country's energy production already comes from renewable, non-polluting sources. As a result, Costa Rican President Oscar Arias is jockeying for a global leadership role on climate change. Arias was one of five keynote speakers to address the U.N. Climate Change Summit on Sept. 22, calling on the world to shift military spending to fight global warming — to "save our species from the real enemy."

*(See five eco-tourist hot spots worth visiting.)*

But while Arias wins battles abroad, many Ticos at home are starting to question whether the President is a real friend of their eco-image and the carbon-neutral campaign. His commitment to protecting national parks has come under fire from conservationists. Worse, they say, he recently lifted a ban on open-pit mining. The move is likely to result

in the largest such gold mine in Central America, Las Cacaotas, to be operated by a Canadian-owned firm, Infinita, and will require clearing 125 acres (50 hectares) of forest land. It also has environmentalists in Costa Rica and Nicaragua warning of a cross-border eco-catastrophe in the event of cyanide leaks into the San Juan River. (Cyanide is used in recovering gold.)

Infinita insists there is no such danger. But critics say Arias' decision betrays his international rhetoric and reflects a worrisome trend. His environment minister had to resign earlier this year over a mining-related scandal. Luis Diego Marin, regional coordinator for the Costa Rica-based conservation group Preserve Planet, calls Arias

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## No technical justification exists for downgrading Leatherback Park, says Costa Rica's Comptroller General

A report by the Comptroller General of the Republic of Costa Rica says that the proposed law of the Arias administration to downgrade the park's status is not justified. This good news for the Leatherbacks means that the proposal is not legal and therefore the nesting beaches will not be destroyed by development.

*El Diario*, the independent Costa Rican daily newspaper, is reporting that Licda. Rocío Aguilar Montoya, the Comptroller General of Costa Rica in a report sent to the Legislative Commission, argues that there is no technical justification to change the park's status. This is a new legal barrier that may help to prevent the Executive Branch of the government from railroading this bill through the legislature.

The Comptroller General of the Republic of Costa Rica, whose duties include internal control and external and accountability of public officials, stated in his report, "The proposed measure lacks an adequate and proper technical justification, which seems to be enough to question its conformity with the law, since [the proposed measures] are involved in a comprehensively-protected area that ensures that all people have the use of its ecosystems. Without the existing safeguards, these ecosystems may be immediately threatened by the negative impacts the proposed measures can have on our growth and involvement as human beings in our global environment." [This is an unofficial translation.]

The bill sent by the Executive Power (President Oscar Arias) to the Assembly has hit a new roadblock. The Arias-initiated bill's purpose is to modify the Leatherback Park's boundaries, and lower the park's status to a "mixed refuge." The Comptroller General's finding that the Constitutional Court on repeated occasions has been clear in stating that the lack of financial resources or technical personnel are not excuses for the inaction of public bodies in obeying the law. The cost of the expropriation of the lands held in private hands was one of the reasons given by the Executive Branch for the necessity of changing the park's status. Neither the Court, nor now the Comptroller, agree with this.

The report of the Comptroller General submitted to the Special Standing Committee on Environment by Carlos Andrés Arguedas, the legal division manager for the Comptroller General, adds that, "any precautionary measures in constitutional principles such as *In dubio pro natura* ["In case of a doubt, defer to nature"] would apply to the guarantee that since 1991 has tried to ensure compliance within the framework laid down in Articles 50 and 89 of the Constitution."

*In dubio pro natura* (In case of a doubt, defer to nature) is the precautionary principle in environmental and health risk decision-making. The principle declares that unacceptable environmental and health risks should be anticipated, and should be prevented before any damage becomes irreversible even if there is incomplete scientific understanding of the risks or dangers involved. The potential extinction of the few remaining Leatherbacks would be an irreversible act, which demands that the law side with nature, and not the personal political will of public officials and the economic lust of developers.

### The Leatherback Park

The Leatherback Marine National Park, located in the districts of Cabo Velas, Tamarindo, and Santa Cruz was established to protect nesting Leatherbacks and currently has 773 hectares of land and 17,136 hectares under water.



The rule of law means that the law is above everyone and it applies equally to everyone. This legal maxim is intended to guard people and nature against arbitrary governance. When the law rules, no one is above it, no one is exempted from it, and no one can abrogate the application of the law.

The political philosopher Tom Paine wrote "... in absolute governments the King is law, so in free countries the law ought to be king; and there ought to be no other." In 1780, John Adams enshrined this principle by calling for "a government of laws and not of men."

This park has four beaches: Langosta, Ventanas, Grande and Carbón, which together constitute the most important nesting site of the Leatherback in the Eastern Pacific. It is precisely this area that the Arias measure seeks to reduce through the proposed project under study. The bill proposes to leave only 50 meters to be the public area for turtles, and removes from protection the remaining 75 meters of turtle nesting area, which are mostly privately owned and are now waiting to be expropriated by Costa Rica.

### International conventions and agreements compel Costa Rica to comply with park protections

The project will also have a bad effect on the nearby Pacific Dry Forest of Cerro El Morro. The Pacific Dry Forest is a vulnerable ecosystem type in the country, and Cerro El Morro helps protect three important wetlands of Ventanas, San Francisco, and Tamarindo.

In 1993, Tamarindo was declared a *Ramsar site*-- a designation of global importance, notes the Comptroller. A Ramsar site designation is intended to preserve wetlands to stop the encroachment of human destruction and subsequent loss of wetland. Wetlands have fundamentally crucial ecological functions in addition to their economic, cultural, scientific, and recreational value. Costa Rica was a signatory (along with 158 other nations) to this convention in 1971.

In addition to the Leatherback turtle subspecies that nest in this area, the marine zone of the park is the habitat of several species of threatened flora and fauna plus endangered ecosystems such as mangrove swamps.

According to the report of the Comptroller, which was sent at the end of August to the legislative commission, Costa Rica has signed several international conventions that require it to protect the Las Baulas Marine Park. These treaties include the International Sea Turtle Convention, the Convention on Biological Diversity Biological and its additions, the Convention for the Protection of Flora, Fauna and Natural Scenic Beauty of the Americas, signed by Costa Rica on 24 October 1940.

Costa Rica also signed the Convention for the Protection of Cultural and Natural Heritage Convention. This agreement signed in 1992 calls for the conservation of biodiversity and wilderness protection priorities in Central America. Costa Rica signed the Rio Declaration on Environment and Development.

*Continued on next page*

## It's Not Easy Staying Green, *continued from page 21*

a “hypocrite,” insisting that behind Costa Rica’s green facade today is “tremendous disorder.” Carlos Manuel Rodriguez, a political rival and environment minister under Arias’ predecessor, Abel Pacheco, and vice president of the Washington, D.C.-based Conservation International, says Arias “has been neither serious nor coherent on the issue of the environment.”

One oft heard concern is that Arias seems to believe Costa Rica can “plant its way out of the carbon-emissions problem,” as environmentalists frequently complain. Rather than attack emissions more aggressively at its industrial and automotive sources, eco-advocates fear Arias simply wants to plant more trees in order to create what they call a deceptive net-zero emissions balance.

That might make Costa Rica technically carbon-neutral, but it would still leave venues like the capital of San Jose “choking” with factory pollution and Central America’s notoriously black bus exhaust, says Roberto Jimenez, a Yale MBA who recently started the activist group *co2neutral2021.org*. “If there is a country in the world that can [achieve carbon neutrality], it’s Costa Rica,” says Jimenez, but he warns that the country’s emissions “continue to grow unchecked.” The Arias government is toying with the lofty idea of building a super-modern, solar-powered monorail system in the capital to achieve carbon neutrality by 2021, but so far Costa Rica’s carbon output has increased more during the first three years of Arias’ presidency than it had in the previous 10 years combined, environmental groups note.

A key factor, say Arias’ critics, is that the 69-year-old leader is part of Costa Rica’s pre-environmental generation - from a time, before the 1980s, when Costa Rica actually had one of the world’s highest deforestation rates. Today’s greener Tico cohort came of age after Arias’ first presidency in the 1980s, when he won the Nobel Peace Prize for helping to end Central America’s bloody civil wars. “Mr. Arias has definitely remained in the past century,” says Rodriguez, whose Social Christian Unity Party is a liberal counter to Arias’ more conservative National Liberation Party. He argues that while Arias’ talk is visionary, his walk is still “conservative and traditional.”

Others, including those close to him, wonder privately if fighting climate change is less a conviction for Arias than a vehicle back to the international accolades he enjoyed a quarter century ago. They point out that his conservation kick was greatly influenced by former U.S. Vice President Al Gore’s Academy Award-winning documentary, *An Inconvenient Truth*., and wonder if Arias was motivated more by the message of the film, or the worldwide praise Gore received as a result of championing the cause.

Arias backers like Leon, who as the director of Arias’ Peace With Nature campaign is in charge of green projects from national park endowments to getting climate change into school curriculums, admit there are some “inconsistencies” in the government’s actions. But he insists Arias is “sincere” about the environment and deserves credit as a “world environmental leader.” Leon adds that “making peace with nature,” like making peace between ideological enemies a generation ago, is a “a logical sequence to Arias’ career.” But with little more than a year to go in his second, environmental presidency, a growing number of Ticos feel Arias still needs to get more in touch with his inner frog.

--from *Time Magazine*



**What will be the fate of the Leatherback hatchlings?  
Can we save their world?  
Can we save our own?**

## Comptroller

*Continued from preceding page*

The Rio Declaration consisted of 27 principles intended to guide future sustainable development around the world. Principle number 10 of the Rio Declaration calls for public participation by all concerned citizens in the handling of environmental issues. People should have appropriate access to environmental information held by public officials, and they should have the opportunity to participate in the decision-making processes. The signing countries declared that they will facilitate and encourage public awareness and participation in environmental decision-making processes by making information widely available. Also, citizens have the right to access judicial and administrative proceedings. This includes provisions for redress and remedy. People in Costa Rica are probably not aware of this provision of the Rio Convention, but it is a duty as well as a right. The new media of communication such as this blog and the Voice of the Turtle ezine are ways to help citizens become aware of crucial environmental issues affecting their lives and livelihood, and especially the total ecological health of the country.

The Comptroller General concludes that any legislative provisions that are under the status of the Political Constitution and also under the international conventions signed and ratified by Costa Rica must revert to respectfully treating the real and effective protection of the area that now constitutes the park.

--Stephen Duplantier

# Costa Rica tour operators reject Leatherback park destruction

October 7, 2009

Sra. Hannia M. Durán  
Jefa de Area Comisión Permanente Especial de Ambiente  
Asamblea Legislativa  
San José, Costa Rica



Estimada Señora Durán:

In 1995 Costa Rica recognized its unique responsibility for ensuring the continued survival of the Pacific leatherback by protecting one of the last nesting beaches in the eastern Pacific and the other delicate ecosystems of Ventanas, Grande, and Langosta Beach, through the creation of Las Baulas National Park by Law. Las Baulas National Park is critical to the survival of the Pacific leatherback sea turtle (*Dermochelys coriacea*), declared as critically endangered by the World Conservation Union (IUCN). Populations of Pacific leatherback sea turtles have crashed by 90 percent over the past two decades and are not recovering. Today, fewer than 1,000 female leatherbacks survive in the entire eastern Pacific. Las Baulas National Park has an exceptional global value as it provides the most important nesting site for this remaining eastern Pacific population.

On behalf of the undersigned tour operators we are writing to urge you to reject Law Project No. 17.383 pending before the Environment Commission of the Legislative Assembly, that proposes to downgrade Las Baulas National Park to a Mixed National Wildlife Refuge and open its beaches up to coastal construction projects. Such developments will have a negative impact on the nesting process of the leatherback through lighting, additional access of people, vehicles and domestic animals, and could likely lead to the elimination of this most important population of leatherbacks. The communities of Tamarindo, Flamingo, and others depend upon the more than four thousand visitors that come to witness the magic of nesting leatherbacks every year.

We, the undersigned members of the tourism industry in Costa Rica, believe this type of development is incompatible with sustainable development and protection of endangered species. Costa Rica has long been a leader in promoting ecotourism, this change in the level of protection of one of the most important turtle nesting beaches in the world would be a black mark against this reputation and would affect the country's well-earned reputation for balancing conservation and development.

We urge you to reject bill 17.383 and continue Costa Rica's commitment to protecting the critically endangered leatherback sea turtle, and preserving its national parks and the extraordinary abundance of life protected within their boundaries.

Sincerely,

SEE Turtles  
Wildland Adventures  
Holbrook  
Planeterra Foundation  
Global Vision International

EcoTeach  
Geographic Expeditions  
GAP Adventures  
Costa Rica Undiscovered  
Environmental Adventure Company





DÉJE A LAS BAULAS EN PAZ

LEAVE THE LEATHERBACKS  
IN PEACE