

# ***MESOAMERICA***

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## **COSTA RICA**

### **As Development Rages, Municipalities React**

The statistics released early in Mar by Costa Rica's Association of Architects and Engineers summed up a pervasive feeling as to the state of real estate development along Costa Rica's so-called Gold Coast: one of every four construction projects underway in the northwestern province of Guanacaste lacks proper permits, making them illegal.

The announcement, however, was only one of several stories that rose to the surface this month. Reports of alleged corruption and conflicting interests complemented complaints of environmental damage as residents, government officials and concerned citizens all cried foul over unchecked development. The calls, apparently, have not fallen on deaf ears.

In the canton of Osa, on Costa Rica's southern Pacific coast, the city council announced it would suspend the awarding of all new construction permits in the Coastal Mountain Range until it had a new, canton-wide zoning plan in place. That plan, being drafted with the help of the University of Costa Rica (UCR) and The Nature Conservancy, is expected to be ready by Jan '08.

The city council and newly-elected mayor Jorge Alberto Cole acknowledged that the municipality of Osa was unequipped to control the growth of luxury condominium and hotel developments springing up on the mountainside, many of which are illegal. Sergio Gutiérrez, of the Osa Prosecutor's Office, said he had 18 complaints of illegal development in the area, many of which he had personally confirmed. Officials from the region said many developers preferred to build first and pay fines later, rather than get the proper permits.

While the canton of Osa includes much of the Osa Peninsula, where large swaths of forest and coast are protected under National Park status or other designations, the Coastal Mountain Range enjoys no such protection. However, the mountains, which parallel the coast north of the Osa Peninsula, house delicate primary forests, endemic plant and animal species, and provide the drinking water for many nearby communities. In addition, its streams and rivers feed into the Ballena National Marine Park and the Sierpe-Terraba National Wetlands, areas that are threatened by increased sediment washed downhill from construction projects.

The suspension of permits in Osa followed another building moratorium in the canton of Belén, in the central valley province of Heredia, where the city council said it would not allow any new, large-scale building projects while it prepares its new zoning plan and gets its roads, sewers and other infrastructure in order.

Further north, in Guanacaste province, residents in the beach town of Playa Hermosa called for a similar moratorium, as it found itself fighting rampant development to safeguard its fresh water resources. Water service to the townspeople of Playa Hermosa had been routinely shut off to guarantee uninterrupted service to the neighboring ultra-luxury resorts in the Polo Turístico project on the Papagayo Peninsula. The rub, it was announced, was that the water infrastructure had been largely built for the hotels, but unregulated development in Playa Hermosa and neighboring Playas del Coco had strained the water supply to local residents in Playa Hermosa.

Adding to the complicated and muddy politics of water in the region, Costa Rica's principal daily, *La Nación*, found that the Costa Rica Institute of Aqueducts and Sewers (AyA) had given a local developer (arguably the most visible and dominant developer in the region) control over the water supply for Playas del Coco and neighboring Playa Ocotal. It further reported that AyA had given Cocowater S.A., one of the developer's many companies, 5,000 future water connections in exchange for expanding the regional aqueduct, a project that was never carried out. Meanwhile, all other builders had to pay Cocowater \$800 to reserve a water connection and receive the accompanying document, which is prerequisite for municipal construction permits.

Heads rolled, however, as top government officials resigned or were suspended pending an investigation into the matter. In addition, the Constitutional Chamber of the Supreme Court (Sala IV) agreed to review a complaint filed by Playa Hermosa residents, and immediately ordered AyA to send water trucks to the area to guarantee water service.

### **Government Busy on Crime after Politician's Maid is Killed**

In the early evening of 21 Mar, armed masked men broke into the luxury home of former legislator and presidential candidate Ricardo Toledo Carranza (Social Christian Unity Party), attacking and beating his wife, and shooting and killing his maid, as well as a neighbor who called for help. Toledo alleged the attack was retribution, because the domestic employee had called the police only a few days earlier after spotting men attempting to enter a neighbor's house through the roof. Toledo claimed police made the woman identify the intruders face to face, an opportunity they took to threaten her life.

Police denied the charges, saying they arrested the would-be thieves—who they said were street kids, and therefore were released a few hours later—but did not have the woman identify them.

Following the 21 Mar Toledo home invasion, police quickly arrested four men and charged them with the murders, but said they were not the same thieves who had been arrested while attempting to enter the neighbor's home days earlier.

The high-profile attack on the Toledo home stirred rising concerns over rising crime in Costa Rica, and spurred pointed interviews with government officials. In the days following the double homicide, as a series of murders underscored the crime issue in the national press, public security officials announced new measures to get the rising violence and insecurity under control.

Within days, Rodrigo Arias, the Minister of the Presidency and the brother of President Oscar Arias, called for immediate action, while Supreme Court President Luis Paulino Mora acknowledged that the nation's laws are outdated and proposed a bill to provide better protection to victims and witnesses of crimes.

Former Public Security Minister Juan Diego Castro also submitted a proposal to current Public Security Minister Fernando Berrocal to reform the nation's criminal laws. The measure includes changes that Castro had proposed more than 12 years ago, but that were never acted upon, principally toughening penalties and giving police more leeway in investigating and interrogating alleged criminals. Principally, the reform would remove a highly criticized value limit on crimes that currently allows those who rob goods worth less than \$500 to effectively walk free.

Furthermore, the Public Security Ministry requested that the UCR's School of Public Administration examine and propose a plan to restructure the Ministry to make it more efficient. According to the school's director, Mayela Cubillo, the Ministry has eight offices that are duplicated, such as two press offices, two human resource offices and two legal departments. The restructuring plan is expected to be ready by Oct '07.

### **IACHR Dismisses Nicaragua's Claims of Discrimination**

To Nicaragua's dismay, and Costa Rica's delight, the Inter-American Commission on Human Rights (IACHR) dismissed a suit by the Nicaraguan government that accused Costa Rica of denying Nicaraguan immigrants their basic human rights.

Nicaragua filed the suit in Feb '05, following the highly publicized deaths of two Nicaraguans in Costa Rica. First, Natividad Canda, an undocumented immigrant who invaded a neighbor's fenced private property, was mauled to death by two Rottweiler guard dogs as police and other emergency officials stood by.

The brutal attack, which went on for nearly an hour, was partially captured on video tape by a local TV news team and was broadcast the following day. The police insisted they could not fire on the animals for fear of hitting Canda, however an investigation by the Office of Judicial Investigation determined that the officials had the chance to stop the attack but did not. Other reports, including one from the Ombudsman's Office, also criticized the emergency response, and, in Nov '06, the Prosecutor's Office filed charges against the police officers.

In the second case, a Nicaraguan man was stabbed to death after being chased out of a bar by a group of Costa Ricans who allegedly had been making anti-Nicaraguan jokes and comments.

The IACHR rejected the suit, which was the first time one country has ever accused another before the Commission, saying that Nicaragua had failed to prove that Costa Rica discriminated against Nicaraguans. In addition, the Commission said the case was inadmissible because the process of justice within Costa Rica had not been exhausted, a prerequisite for any case to be passed on by the Commission to the Inter-American Court of Human Rights.

Nicaraguan President Daniel Ortega accused the US of pressuring the Commission to dismiss the case, an accusation Costa Rica rejected.

According to a statement from Costa Rica's Foreign Ministry, "All inhabitants, no matter their migratory status, enjoy State protection of their human rights and public services in terms of health,

education and dignified work. Furthermore, they can access the courts of justice to make sure their rights are protected.”

—*Leland Baxter-Neal*