

# No ruling yet in Beef Island appeal

## • *OC case bumped to next sitting*

BY MASON MARCUS

The Eastern Caribbean Supreme Court heard arguments in the case between the Virgin Islands Environmental Council, Beef Island developers and the government, last Thursday, over whether a last-minute filing should be allowed. At stake is the VIEC's claim for judicial review of the construction of a multi-million dollar golf course and resort at Beef Island.

Lawyers spent most of the morning arguing over court procedures, involving when and how the proper documents were filed, if they constituted a legal action, and if so, what sort of action it was.

According to Dr. Quincy Lettsome, co-director of the VIEC, the papers were filed on the last day of the six-month period allowed. The delay resulted from time taken to form the VIEC and sort through paperwork, explained Dr. Lettsome.

"It took a while to pull all these threads together," he said.

### Ongoing battle

In March, Justice Rita Olivetti ruled in VIEC's favour in a VI Civil Court. The appeal to the Eastern Caribbean Court is the latest development in the ongoing court battle, which began in September 2007, when the High Court granted the VIEC the right to challenge the former chief minister's approval of the hotel and mega-yacht marina on the grounds that it would adversely affect a marine protected area, violating Fisheries Regulations.

Last Thursday, the justices said they had already received written arguments and called upon the lawyers to clarify their positions.

If the justices quash the appeal, it may mean the end for the VIEC's legal resistance to the development in the courts. If the justices rule in favour of the environmental coalition, a trial will be held in VI civil courts.

As of Tuesday, Dr. Lettsome said the Court's decision had not

yet been rendered, but said the group was thankful to the general public and Caribbean for supporting the venture. The justices have three months to render a decision.

Stephen Hockman, Q.C., of the UK, represented the VIEC, while Gerard Farara, Q.C., of Farara-Kerins represented the consortium of developers.

### Water

Last minute papers were also filed in another hearing, between the government and desalinated water provider Ocean Conversion. The justices chose to adjourn the case to the next sitting — provided that none of the lawyers felt the delay would jeopardize the water supply on Tortola — and allowed the counsels to proceed in another jurisdiction if they wanted the matter to be settled in the interim.

Ocean Conversion and the government are locked in a civil battle over the contested ownership of the Baughers Bay plant. OC-BVI also operates plants in Jost Van Dyke, and owns a non-operational plant in Bar Bay, Tortola.