

Dean Barrow BACONGO vs Denys Barrow DOE!

by Kimberly King

BELIZE CITY, Thurs. Feb. 28, 2002

Late this afternoon Chief Justice Abdulai Conteh ruled that there would be a judicial review into the National Environmental Appraisal Committee's (NEAC) "conditional approval" of the Environmental Impact Assessment (EIA) for the proposed controversial Chalillo Dam project by the Belize Electricity Limited.

It was Barrow versus Barrow today in the Supreme Court, as Dean Barrow, who appeared on behalf of the lawsuit applicant BACONGO, and his brother Denys Barrow, who defended G.O.B, made their submissions. GOB's attorney, Denys Barrow, had in his corner, attorney-at-law, Michael Young, Solicitor General Elson Kaseke and his deputy, Minnet Hafiz. Attorney-at-law Dean

Barrow was backed by attorney Marilyn Williams.

Dean Barrow appeared this morning to make submissions on the "illegality, procedural impropriety, and irrationality" of the GOB/Department of Environment/NEAC's decision to give BEL the "go-ahead" to begin construction on the Chalillo Dam before the EIA process was completed, which is contrary to the Environmental Protection Act. He also argued that no public hearing on the matter was held, which is again, in contravention of Chapter 328 of the Environmental Protection Act, Section 23 (5), which states, "When making an EIA proposal developer shall consult with the public and other interested bodies or organizations".

The hearing was adjourned at 12:00 mid-day and resumed at 2:00 p.m., when

Denys Barrow, for GOB, took the floor and submitted that BACONGO's application should not be reviewed, considering that the DOE had *not* given the green light for the commencement of the project. He further stressed that BACONGO's application should be declared void because the organization made no attempt to obtain a "formal" decision from the DOE in respect to the "all clear" given to the project.

Dean Barrow then maintained that although there was no official word given for the project to begin, GOB/NEAC had granted approval in effect, as it had spent a hefty sum of money in some areas of the project, and the Belize Electricity Company Limited (BECOL) had spent almost quarter-million dollars on the project as well. Road works for the project began under contracts issued

(Please turn to page 35)

Dean vs Denys!

(Continued from page 1)

reportedly by the Ministry of Finance, even while the Environmental Compliance Plan was being developed - a critical exercise in the EIA process.

The hearing finished with the Chief Justice's ruling that there should be a judicial review of the EIA. This means that the Chalillo Dam project will be frozen until the court sets a date for the revision.

BEL's CEO Lynn Young told *Amandala* today that, "Technically, we don't have to wait for the outcome of the court case to move [because it is GOB and not BEL that is being sued];

but it is wiser to let them have their case heard in court."

Initially, four applicants filed the suit against G.O.B., but today Justice Conteh withdrew the applications of Sharon Matola of the Belize Zoo, the Belize Eco-Tourism Association, and Eligorio Sho of Punta Gorda. The application filed by BACONGO stands alone.

BACONGO has actively protested against the project, arguing against it on the basis of the acutely negative side-effects they claim the project could have on the habitat, species and historical landmarks in the project site.