

# 'Hostile' developer slapped down in court ruling

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DURBAN: A "belligerent and insolent" property developer who tried to bully neighbours has been cut down to size in the high court following a landmark environmental justice case which has had ripple effects across the country.

Judge Stanley Sapire of the Pretoria High Court yesterday dismissed the R170 million damages and defamation claims lodged against four members of a local environmental conser-

vancy by golfing estate developer Robbie Wray's company Wraypex.

The judgment has national implications for environmental whistle-blowers and other activists who are faced with costly "Slapp suits".

The term Slapp suit (strategic litigation against public participation) refers to legal threats used by wealthy developers to silence or intimidate citizen groups concerned at environmental damage by developers.

Sapire said there was no

substance to Wray's complaints that his company had been defamed or had lost any money and he dismissed all claims against the four Rhenosterspruit Nature Conservancy members - Helen Duigan, Arthur Barnes, Edward Gaylard and Lissa Essberger.

Sapire found that all four members had a genuine concern about the effect the golf estate would have on the pristine countryside.

They were entitled to express these fears and to

oppose Wray's development strenuously.

Duigan said: "The developer's lawyer threatened us verbally and in writing as soon as we started questioning aspects of the development, but we had a duty to stand up in defence of the environment.

"We hope other people who are fighting against coal mining next to Mapungubwe National Park, nickel mining in Groot Marico or sand mining in KZN by Richards Bay Minerals will draw encour-

agement from our victory."

Melissa Fourie, former head of the "Green Scorpions" unit and founder of the Centre for Environmental Rights, said environmental activists across the country had faced similar threats.

"This case is a message to all developers to think twice before threatening civil society organisations, communities and activists who are exercising their constitutional rights to participate in environmental governance," said Fourie.