

Motion (2012/2013, No. 4)
Beach Access

Motion 4

Motion – Romain Laville;
Independent Faction Member in the Parliament of Country Sint Maarten, with its address at
Parliament Building, Wilhelmina Street 1, Philipsburg, Sint Maarten.

Considering:

1. that the preamble of the Constitution of Sint Maarten states, *“WE, THE PEOPLE OF SINT MAARTEN”, (are) “...DETERMINED to care for the perpetual maintenance of nature and the environment;”*
2. that the Executive Council of the former Island Territory of Sint Maarten established a Beach Policy;
3. that Sint Maarten’s Beach Policy defines a beach as, *“the strip of sand with a width of at most 50 meters, of which the surface consists of natural seasand situated along the sea, or, in absence of natural seasand, the strip of land with a width of 25 meters from the high-waterline, situated along the public waters;”*
4. that Sint Maarten’s beaches are an important component of the country’s national heritage;
5. the fact that, according to Book 5, Article 26 of the Civil Code (Het Burgerlijk Wetboek), beaches are the property of the Country (Government);
6. that Sint Maarten’s Beach Policy states that:
 - *“The beaches must be useable for everyone, both local residents and tourists alike, for recreative purposes;”*
 - *“Developments that, physically, have a negative influence on the recreative use of the beaches, will be opposed;”*
 - *“The beaches will be protected against the natural and human influences, that sever their recreational and nature function;”*
 - *“The consequences of this (beach) policy are that the Island Government will strive to ensure that:*
 - *The beaches are openly accessible for the general public, which means that there must be a wide access that is free from physical and mental barriers (levers, hotels, etc.)”*
 - *No construction works or activities, that occupy the space on the beach in a way that restricts normal use of the beach for others, will occur on the beach;”*

- *The standpoint of the Island Government is that, construction works on the beach are annoying and disfiguring to the surroundings. It is not desirable for dwellings, hotels, businesses, etc. to be built or situated on the beach*

7. that Sint Maarten's Beach Policy is too often ignored and too easily set aside as "merely" a policy;
8. that it is becoming increasingly difficult for the public to gain access to Sint Maarten's beaches, due to the development of coastal areas;
9. that there is an undesirable trend whereby some developers block off access to public beaches and limit parking possibilities;
10. that it is desirable to maintain the public character of Sint Maarten's beaches;
11. that Sint Maarten's beaches must be easily and freely accessible to the public by land and sea;

Resolves:

1. To charge the Minister of Housing, Spatial Planning, Environment, and Infrastructure (VROMI) with the task of strengthening legislation towards maintaining the recreational and ecological value of Sint Maarten's beaches, including improved control, enforcement, and penalization;
2. To charge the Council of Ministers with the task of drafting and implementing a Beach Protection Ordinance, within one hundred and twenty (120) days of the passing of this motion. This Beach Protection Ordinance should include the principles and regulations outlined in the Beach Policy and set additional regulations aimed at protecting the recreational, ecological, and natural values of Sint Maarten's beaches and securing unrestricted and unobstructed public access and ample parking spaces;

and goes over to the order of the day.

Signed on this 17th day of April, 2013.

Romain J. Laville, MP

Copies of this motion to be sent to:

The Governor of Sint Maarten
 The Government of Sint Maarten
 The Council of Advice of Sint Maarten

Mr. Frans Richardson



STATEN VAN SINT MAARTEN
Wednesday, April 17, 2013 Public Meeting no. 5

Voting list *Beach Policy*

Motion no. 4 date: April 2013

M4
EJC

NO.	NAME	VOOR/FOR	TEGEN/AGAINST
1.	drs. R.E. Samuel		
2.	G.C. Pantophlet		
3.	Patrick G. Illidge		
4.	H.L. Richardson		
5.	Petrus L. de Weever		
6.	F.G. Richardson		
7.	Lloyd J. Richardson		
8.	Romain J. Laville		
9.	Roy R. Marlin		
10.	Johan E. Leonard		
11.	Silvia V. Meyers-Olivacce		
12.	Jules C. James		
13.	Louie E. Laveist		
14.	Gracita R. Arrindell		
15.			

ZHST