

Draft Motion

The Parliament of St. Maarten, in its meeting of today, March 19th, 2012

CONSIDERING:

- 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*”;
- That Article 22 of the Constitution of Sint Maarten states that: “*It shall be the constant concern of the government to keep the country habitable and to protect and improve the natural environment and the welfare of animals*”;
- That Netherlands Antilles laws on the protection of Nature and Environment have been taken over by St. Maarten including the *Landsverordening grondslagen natuurbeheer en – bescherming (P.B. 1998, 49)*”;
- That the Island Council of the Island Territory of Sint Maarten in a Public meeting of Monday September 19, 2005 resolved:
 - “1. *To declare that the Island Territory is in favor of placing the estates The Industry and the Goldenrock on the list of monuments of St. Maarten because of their historical and cultural value to the people of St. Maarten*”;
 - “2. *To charge the Executive Council of St. Maarten to present within sixty (60) days the following options and their consequences/implications-separately or in combination in with one and another- for:*
 - a)*placing The Industry and the Goldenrock on the list of monuments of St. Maarten*
 - b)*the purchase of the property The Industry and the Goldenrock commonly known as the Emilio Wilson Estate*” (Decision of September 20, 2005 Nr. 1020);
- That the Executive Council of the Island Territory of Sint Maarten in motivating its decision of June 23rd 2006 (Besluit van 23 Juni 2006, Nr 454) acknowledged and underlined the cultural, historical and ecological significance of the Emilio Wilson Estate;
- That on July 10th, 2007 the Island Council of the Island Territory of Sint Maarten decided as follows:
 - “3. *Het gehele landgoed dat kadastraal bekend staat als “Industrie” en “Golden Rock”, algemeen meer bekend als de “Emilio Wilson Estate” te plaatsen op de door raad alsong vast te stellen monumentenlijst conform de procedurele stappen...*”;
- That in its decision referenced as BC010708, Arch.nr: 3875-08, dated July 2nd, 2008 the Executive Council of the Island Territory of St. Maarten decided as follows:
 - “*Wordt akkoord gegaan met de voorgestelde benadering, te weten het aanwijzen van de gehele Emilio Wilson Estate as beschermd monument en het opstellen van een conserverend ontwikkelings plan.*”;
- That a ruling by the Court of First instance dated and referenced as Uitspraak : 19 augustus 2008 nr 78, Zaaknr. Lar 2007/104 required government to compile a specific zoning plan (*conserverend ontwikkelings plan*) should government intend to uphold its decision to protect the estate as indicated in the Executive Council resolution to protect the property:

“Het Bestuurscollege zal nadere maatregelen moeten treffen indien het zijn standpunt dat dit gebied in zijn huidige vorm moet worden behouden, met vrucht wil handhaven. Te denken valt daarbij aan het tot standbrengen van een eilandelijke ontwikkelingsplan met betrekking tot het onderhavige gebied waarin de bestemming natuurgebied wordt toegekend aan het tot Emilio Wilson Estate behorende heuvelgebied. Dit wordt met name gevormd door Sentry Hill en St. Peters Hill. Bescherming van dit gebied is al voorzien in het in 1996 uitgebrachte zoningplan for the Hillside-area Sint Maarten en herhaald in het document Hillsides policy. Aan het lager gelegen gedeelte, bestaande uit het Emilio Wilson Park, de plantagewoning Rockland en het tussengelegen gebied zou de bestemming “historical site” kunnen worden toegekend... .. Het Bestuurscollege dient het totstandbrengen van een bestemmingsplan door middel van het nemen van een voorbereidingsbesluit in gang te zetten.” (Overwegingen paragraaf 3.8.3 pg 6. Gerecht in eerste aanleg van de Nederlandse Antillen, Zittingsplaats Sint Maarten Uitspraak 19 augustus 2008 #78 Zaaknr. Lar 2007/104)

- That government commissioned research and reports such as The Biological Inventory of Sint Maarten (Anna Rojer, 1997), the Zoning plan for the Hillside-area Sint Maarten, report for VROM, Sint Maarten (Ecovision, AIDEnvironment 1996) and in situ observations have indicated that the hillsides in the Dutch Cul de Sac area, in particular the Sentry Hill hillside (the Emilio Wilson Estate), are of considerable value to the natural environment. That these reports have pointed to the Sentry Hill Hillside/Emilio Wilson Estate property as an ideal location for the establishment of a Natural Park;
- That Sentry Hill/Emilio Wilson Estate is the most ecologically diverse and largest remaining area available for establishing a continuous nature reserve in the Dutch part of St. Maarten;
- That Country Sint Maarten is the only island in the Dutch Caribbean and amongst very few in the wider Caribbean region which does not have a land-based protected area;
- That from October 24th, 2005 to January 13th, 2006 a series of archaeological surveys of the Emilio Wilson Estate were conducted and described in a report titled “An Archaeological Survey Emilio Wilson Estate” (Dr. Jay B. Haviser, 2006). That this research was requested by the ROB-VROM department of St. Maarten, and was conducted under the direction of Government archaeologist Dr. Jay B Haviser. That based on the historical and Archaeological evidence compiled in this Government commissioned archaeological report the following recommendations were made:

“1. Due to the positive identification of the Golden Rock plantation African slave community and surrounding activity areas of that community, the survey property within the dry-stone pile boundry walls surrounding the Kenepa Garden area, and extending to the Emilio Wilson Historical Park should be protected as an historical site. This includes all of the dry-stone pile walls within and surrounding the designated survey area.”

“2. That the South Area of the survey property, including the altered shooting range, football field and parking area located between the Golden Rock and Rockland Estates, from the entrance road west to the dry-stone pile walls, be protected to maintain the continuity of the historical contexts of these two adjacent and well-preserved historic plantation complexes.”

"3. that all property below the proposed Link road (at approximately the 60 meter elevation contour) and between Rockland Estate and the Emilio Wilson Historical Park be protected for the historical patrimony of St. Maarten, including a prompt designation as registered historical site for the island and in the region."

"4. That a national heritage park be created at this location (The Emilio Wilson Estate)...". (Recommendations, pg. 63. An Archaeological Survey Emilio Wilson Estate, Dr. Jay B. Haviser, 2006);

- That *"the Hillside policy of St. Maarten states that:*

3. no building should occur on hill tops, ridges, and above 200 meter altitude line;

4. a hillside nature park is projected for the hillside area of Cole Bay Hill, Sentry Hill, St. Peters Hill, Concordia Hill, Marigot Hill, Waymouth Hill and Williams Hill.

5. certain hillsides, which are considered important for their visual impact on the general landscape, should also be conserved."

"It is the intention of government to conserve the green hillside, protect their natural value and if needed restore, for the benefit of the environment, the tourist industry and quality of life on St. Maarten."

"The hillsides play an important role in the landscape, the water management and the nature of St. Maarten, not to mention the role in sustaining the tourist economy. Next to the guidelines and at a later moment the zoning plan, actions will have to be taken to protect, restore, develop and manage the natural resources. Furthermore an effort will have to be made to make it accessible to the general public to educate about the flora, fauna and eco-system, also to inform them about the need and get their support in preserving it. The natural resource (and landscape hillside vegetation) is important as the natural heritage of St. Maarten but it also prevents erosion, regulates the rain water run-off and influences the moderate climate in the hillsides."

"An effective way to achieve proper protection of the natural resources of the hillsides would be to establish a nature park. It is the intention of government to establish a nature park in the future." (The Hillside Policy was Established by the Executive Council of St. Maarten on November 19th, 1996 and published on July 7th, 1997)

- That over the years there has been wide-spread and far reaching public support for the establishment of the entire Emilio Wilson Estate as a land-based Nature Park;
That such support has included but not been limited to groups of school children sitting-in on Island Council meetings and protesting the issuance of planning permits for proposed development of the Emilio Wilson Estate.
- That it is desirable to set rules and regulations to protect the island's Cultural-Historical Heritage;
- That it is desirable to set rules and regulations for the conservation and protection of Flora and Fauna and to establish Nature Parks on St. Maarten to this end.

Having regard to:

- Various treaties that St. Maarten is signatory to concerning the conservation and protection of Flora, Fauna and Natural Habitats. Including the Cartagena Convention and its Protocol on

Specially Protected Areas and Wildlife (SPA), The Convention on Migratory Species. (CMS or Bonn Convention);

- Articles 10, 12, 13, 14 of the "*Landsverordening grondslagen natuurbeheer en – bescherming (P.B. 1998, 49)*";
- Article 8 of the "*Eilandsverordening natuurbeheer en- bescherming Sint Maarten (Ab 2003,25)*".
- A ruling by the Court of First instance dated and referenced as Uitspraak : 19 augustus 2008 nr 78, Zaaknr. Lar 2007/104.


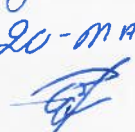
Resolves:

- That the Parliament of St. Maarten is in favor of zoning the entire Industry and the Goldenrock commonly known as the Emilio Wilson Estate for conservation purposes.
- That the Parliament of St. Maarten is in favor of establishing the entire Emilio Wilson Estate as a Nature Park or land-based protected area as described in Article 8 of the "*Eilandsverordening natuurbeheer en- bescherming Sint Maarten (Ab 2003,25)*" and Article 10 of the "*Landsverordening grondslagen natuurbeheer en- bescherming (P.B. 1998, 49)*";
- That the Parliament of St. Maarten supports and ratifies the decision of the Executive Council of the Island Territory of St. Maarten referenced as BC010708, Arch.nr: 3875-08, dated July 2nd, 2008 in which the Executive Council decided as follows: "*Wordt akkoord gegaan met de voorgestelde benadering, te weten het aanwijzen van de gehele Emilio Wilson Estate als beschermd monument en het opstellen van een conserverend ontwikkelings plan.*";
- That the Parliament of St. Maarten therefore instructs the Council of Ministers, individual Ministers and their Ministries to refrain from issuing any permits or other allowances regarding the Emilio Wilson Estate;
- To charge the Council of Ministers specifically the Minister of VROMI with the task of zoning the entire Emilio Wilson Estate for conservation purposes ("*het opstellen en invoeren van een conserverend ontwikkelings plan*") as described in the abovementioned Executive Council decision of July 2nd, 2008 within sixty (120) days of the passing of this resolution;
- To charge the Council of Ministers specifically the Minister of VROMI to present within eighty (90) days of the passing of this resolution the options, consequences/ implications and duly negotiated costs of the purchase of the entire property The Industry and the Goldenrock commonly known as the Emilio Wilson Estate.

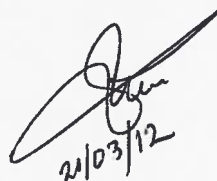
And goes over to the order of the day.

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


20-MAR-2012



St. Maarten


21/03/12







STATEN VAN SINT MAARTEN
Thursday, March 22, 2012 Public Meeting no. 13

Voting list Motion no. 2

Emilio Wilson Estate

NO.	NAME	VOOR/FOR	TEGEN/AGAINST
1.	Drs. Gracita R. Arrindell		✓
2.	P.G. Illidge		✓
3.	S.V. Olivacce-Meyers		✓
4.	J.E. Leonard		✓
5.	J.C. James		✓
6.	R.J. Laville		✓
7.	R.A.G. Douglass		✓
8.	R.R. Marlin		✓
9.	P.L. de Weever		✓
10.	W.V. Marlin	✓	
11.	L.J. Richardson	✓	
12.	G.C. Pantophlet	✓	
13.	H.L. Richardson	✓	
14.	L.E. Laveist	✓	
15.	F.G. Richardson	✓	

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