



SAINT LUCIA NATIONAL TRUST
QUEEN'S CHAIN POSITION PAPER : A PROPOSAL FOR CONSIDERATION BY THE
PUBLIC and
THE GOVERNMENT OF SAINT LUCIA

The coastal strip of reserved land known today as QUEEN'S CHAIN is derived from the ancient French reserve called *Cinquante Pas du Roi*, or "Fifty Paces of the King". A French *pas* has been computed to equal exactly 3.73 feet. The reserve is measured from the high water line, which is at a point where the splash of the wave at high tide ceases to run and based on the French definition, is 186.5 feet (56.85 metres). This definition of the Queen's Chain deems the inland boundary of the Queen's Chain not to be fixed as, for example, in the event of sea level rise, this boundary continues to be 186.5 feet inland from the high water line.

The evolution of Queen's Chain can be traced through the laws of Saint Lucia. It was a very practical law deemed to provide such things as access, embellishment and defence, as stated in an Edict of the month of December 1674, when King Louis XIV of France re-annexed all lands unto the French Crown. This was clarified in a Ministerial Despatch of M. de Mores dated Versailles, 3 December 1757, as follows:

"The object of this reserve was to have land whereupon to establish, in the contour of the islands, towns, parishes, forts, entrenchments, batteries and other public and necessary works, as well as for their embellishment as for their defence."

These conditions governing the *Cinquante Pas du Roi* are clear, specific and unambiguous and have never been altered or amended in any way and still apply unchanged to this day. Its establishment and purpose have been tested several times in the court, dating back to the first challenge in 1704 and in all cases its existence, purpose and ownership by the Crown has been upheld, as is the Crown's right to take possession of it if leased, in the public interest.

According to the Civil Code of St. Lucia under Article 355, the Queen's Chain is addressed as follows:

"ARTICLE 355 - Roads and public ways maintained by the state, the Queen's Chain, the sea shore, lands reclaimed from the sea, ports, harbours and roadsteads and generally all those portions of territory which do not constitute private property, are considered as being dependencies of the Crown."

With regards to the defence function, the interpretation goes beyond armed conflict. Defence of the State encompasses a wide range of matters including defence against hostile forces, be they domestic or foreign, sea defences and the protection of the coastline, the need to create reserves and setbacks to allow for the impacts of erosion and sea level rise, the protection of near shore ecosystems which protect the State's boundaries, the prevention of criminal activities, including smuggling, along the coastline, actions to mitigate against marine pollution such as oil spills and other chemical and biological contamination.

Considering the legal, practical, historic and cultural significance of the Queen's Chain, the Saint Lucia National Trust proposed the following directions for the use and preservation of the Queen's Chain for consideration and endorsement by the public and the Government of Saint Lucia:

1. The Queen's Chain comprises that strip of land surrounding the island measuring 186.5 feet (56.58 meters) inland from the high water line.
2. Consistent with the original intention in establishing the *Cinquante Pas du Roi*, sections of the Queen's Chain may be alienated only for the establishment of towns and villages or for public works and infrastructure of a public nature and purpose, for defence or for conservation.
3. Except for (2) above, there shall be no further private ownership of the Queen's Chain.
4. The Queen's Chain may be leased to private or corporate individuals on terms to be negotiated in accordance with these policy guidelines.
5. Any arrangement to [transfer] [vest] interest in the Queen's Chain adjacent to [popular beaches] [beaches traditionally used for recreational and commercial purposes] shall include conditions to ensure continued unrestricted public access to [the Queen's Chain] and adjacent beach. For the purposes of this clause, [popular beaches] [beaches traditionally used for recreational and commercial purposes] includes [here we may research this and include a list of the beaches which meet the description/meaning/intention of this clause] [all beaches to which there has been traditional access as well as beaches created by dredging and/or back filling of coastal areas that create adjacent sandy coastlines].
6. The rental charge for the Queen's Chain shall be based on market value of adjacent lands and shall become due annually on the anniversary of the lease agreement.
7. Leases shall be for periods to be negotiated but shall be for periods not exceeding the lesser of twice the principal mortgage period for any loans taken to fund related land acquisition investments, or for the development for which the lease is granted.

8. Lease agreements shall be subject to rent review every five years and any variations shall be based on agreed rates or principles. Such principles may include, but not limited to improvements done to the property, prevailing economic conditions, relevant policies, continued relevance of the development, any infractions of agreements, policies or laws and cost to make good any defects created by the lessee.
9. A lessee shall not have the right to transfer his lease to a third party. [Should a lessee lose interest in the leased Queen's Chain, ownership shall revert to the Crown.] [Any such transfer shall be upon application to the Crown and shall be executed under terms and conditions to be approved by the [Cabinet of Ministers] [Commissioner of Crown Lands], and consistent with these policies.]
10. Lessees shall have an obligation to create and maintain a public access way and allow public access to the coast through the Queen's Chain. This requirement shall automatically apply to those places where the public has traditionally accessed the sea for economic or recreational purposes. In all cases, access is taken to mean vehicular and emergency vehicles access and ease of access by physically challenged individuals.
11. The Queen's Chain shall not, [except with the approval of the Cabinet of Ministers expressed in writing,] be the subject of any mortgage or other contract, agreement or arrangement which may cause a transfer of interest to a third Party.
12. Development approvals for developments on lands that include the Queen's Chain shall avoid the construction of permanent structures within the Queen's Chain.
13. The Queen's Chain shall not be vested in Invest Saint Lucia or other statutory bodies established to manage the development of lands. All matters related to rights to the Queen's Chain shall fall under the jurisdiction of the Crown.
14. Nothing in these policies shall extinguish the Crown's right to retake possession of the Queen's Chain either for cause related to breaches of lease or other arrangements or laws, or in the public interest. Such repossession shall take into consideration the value of the land only, and based on considerations that set the lease charges but shall not consider improvements made by the lessee.

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