

ABSTRACT

Beach access rights and justice – a case for equity considerations in resource allocation

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The enjoyment of the beach is an important part of life of the Jamaica population. Traditionally, access to the beach has been seen as an open access right. In recent times however, the public has been finding that it is being denied access to beaches which had been previously freely available over the years for recreation and fishing. In addition, there is the perception that there is no equality or fairness in the determination of beaches being made available to the public.

In many of the islands once under British control as is the case in Jamaica, ownership of coastal lands extends to the high water mark. In Jamaican law there is no definition of the beach, however the Beach Control Act (1956) defines the foreshore and the floor of the sea and vest these areas in the crown. Hence, by common law there is no general right of the public to use the foreshore or the floor of the sea except for those rights that are preserved in the Act.

In an effort to address the various competing demands of bathing, fishing and resort development, the government of Jamaica embarked on a policy of issuing licences to beach property owners. While the intention of this approach at the time was considered reasonable, the experience over the last fifty (50) years has demonstrated that increasingly, large tracks of beach lands are being licenced for commercial use with less being made available for public access and use.

The information generated from a survey instrument administered to three hundred and twenty nine (329) beach goers at twenty four (24) public beaches across the Island together with a literature review of beach access rights in a number of jurisdictions, provide the basis for the preparation of a framework for the allocation of beach access rights.

Introduction

The enjoyment of the beach and beach facilities is an integral part of the life of the inhabitants of a small Island. The steady removal of these facilities due to developmental activities and by special interest can make an unwholesome contribution to social disaffection which could easily be expressed in anti social behavior.

In 1954 the Jamaican government constituted a Commission of Enquiry to “ investigate the question of the use of beaches and foreshore lands throughout Jamaica, taking into account the needs of the public for recreational and fishing purposes, and to make recommendations for securing adequate facilities for such purposes.”

Recommendations by the Commission called for the creation of a Beach Control Authority and the enactment of Beach Control legislation. The Commission also made recommendations to provide for action to restore rights of access where these previlages have been enjoyed for a certain period and to acquire beach lands for use by the public through statutory easement, by a long-term lease, negotiated purchase, or by compulsory acquisition.

In recent times there have been increased agitation for better access to beaches as the current situation is viewed as a denial of public rights especially given the number of beaches that have been given over to large all inclusive hotels and the unaffordable charges that are levied to access these beaches.

These concerns led the Natural Resources Conservation Authority (NRCA) (formerly the Beach Control Authority), the Agency with responsibility for the administration of the Beach Control Act, to prepare a policy paper ‘Towards a Beach Policy for Jamaica’ - a policy for the use of the foreshore and the floor of the sea. The Policy proposes among other things, an amendment to the Beach Control Act to make explicit the public’s right of access to all beaches.

The Jamaica Hotel and Tourism Association (JHTA) has in response, expressed fears of harassment to visitors and argue that the Policy would do significant damage to the tourism industry (Master Plan for Sustainable Tourism Development 2001). Others in the sector however have pointed to other Islands in the Caribbean and in other parts of the world where there is open access and posit that the problem of visitor harassment can be dealt with through other means.

Opening access to the beach

Ecologist Garrett Hardin’s "tragedy of the commons" (Hardin, 1968) has provided a useful framework for understanding the pressures imposed on resources that are opened access and seemingly commonly available to all. Hardin’s thesis however, can be traced back to Aristotle who noted that "what is common to the greatest number has the least care bestowed upon it" (see Ostrom 1990). Hardin recognized that this concept applies in its broader sense to many modern environmental problems (e.g., overgrazing on federal lands, acid precipitation, ocean dumping, atmospheric carbon dioxide discharges, firewood crises in less developed countries, overfishing).

Ostrom (1990) contrasted attributes of public goods to those of common-pool resource (CPR) where the resource is subtractable (one's consumption deprives others of use) and able to be overused. Public goods have the attribute of being nonconsumptive.

Hardin's predictions for the inevitable over-exploitation of common resources were based solely on consideration of open access situations. Case studies have shown that overexploitation will occur when an open-access system supplants a pre-existing CPR management system. Thus while a tragedy is not inevitable it is a more likely outcome if one is dealing with a CPR that is experiencing unrestrained open access and is not effectively managed.

Feeny (1990) argues that a tragedy is more likely to emerge in a situation where restraining access to the resource is costly, impractical or impossible.

Beach space is limited, and while beaches can be engineered and constructed, this will be at significant cost. What is being proposed as it relates to beach access, is for a managed beach access approach where rights are allocated equitably, recognizing that the beach represents a subtractable resources.

Beach survey results

The study analysed the responses to a questionnaire instrument that was completed by three hundred and twenty nine (329) beach goers during the period November 2008 to April 2009. The instrument was administered at twenty four public beaches across the Island (Table 1).

Table 1: The beach location and the total number of respondents to the questionnaire.

Name of Beach	No. of Respondents	Name of Beach	No. of Respondents
Turtle Beach	14	Bluefields Beach Park	26
Roxborough	4	Long Bay Beach Park	19
Murdock	4	Orchard	5
Boston	7	Watson Taylor Park	11
Winifred's Rest	8	Walter Fletcher	43
Bryans Bay	10	Doctors Cave	31
Lyssons	5	Sunset	7
Cable Hut	14	Tropical	5
Hellshire Bay	27	Silver Sands	10
Fort Clarence	16	Burwood	12
Port Henderson	21	Cardiff Hall	5
Great Bay	4	Priory	21

While these beaches were chosen at random and include beaches located in every Parish, an attempt was made to select popular beaches because often no beach goer or a limited number of beach goers were found at some of these beaches.

Over fifty percent (50%) of the users of the beach visit the beach only on public holidays or occasionally. However, a significant five percent (5%) visit the beach everyday and another thirty nine (39%) of users visit the beach at least once per month. This suggests that the use of

the beach is a popular past time for users with at least forty two (42%) visiting once every month (Figure 1).

Fifty percent (50%) of the users identified the problem of access as the major issue affecting beaches. Thirty one percent (31%) identified beach erosion as the major issue and seventeen percent (17%) identified pollution as the major issue (Figure 2).

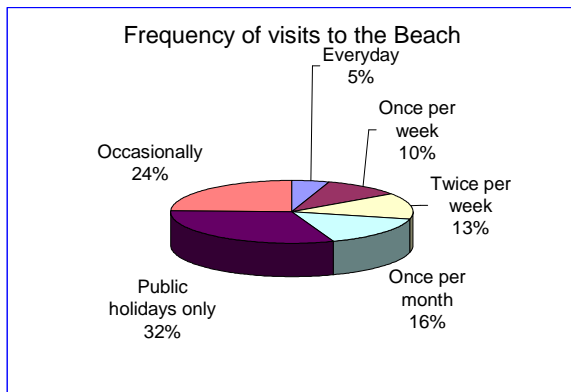


Figure 1: The frequency of visits to the beach as reported by the 329 persons interviewed at the 24 beach locations.

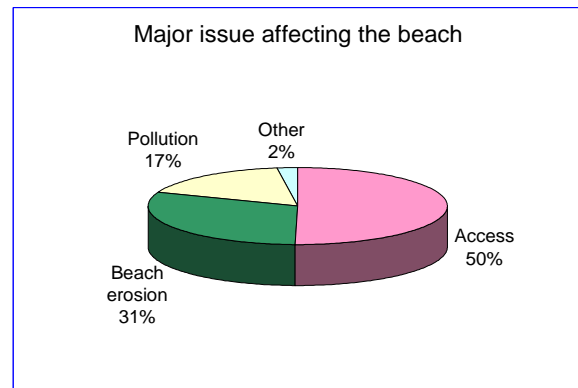


Figure 2: The major issues affecting the beach based on those polled at the 24 beach locations.

In responding to the question on their satisfaction with the condition of the beach, only thirty six percent (36%) of the beach goers who were interviewed found the facility to be satisfactory. Sixty one percent (61%) of the respondents were either dissatisfied or very dissatisfied with the condition presently existing at these public beaches (Figure 3). It should be noted that the number of persons who found the beach to be satisfactory might be higher than would be expected because a larger number of persons were available for interview at the good quality beaches than at the beaches of lesser quality.

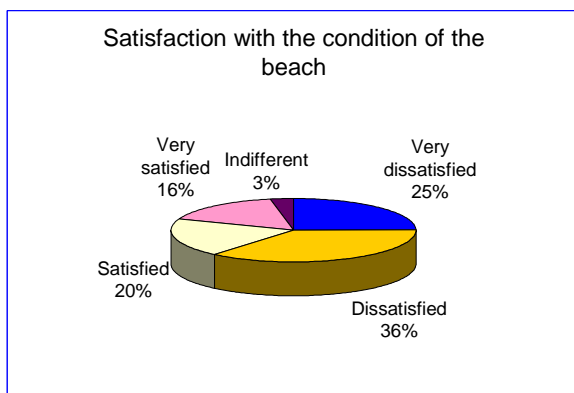


Figure 3: Views of the respondents regarding their level of satisfaction with the condition of the beach.

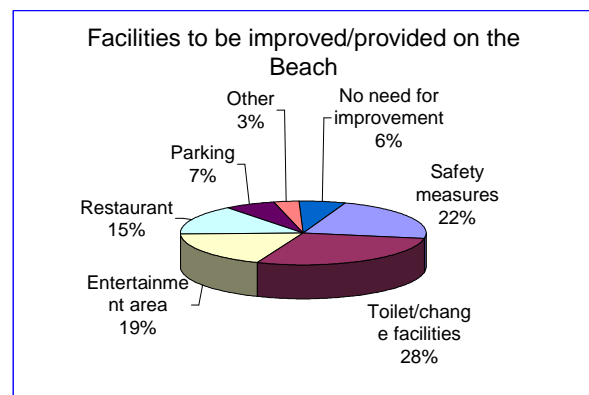


Figure 4: Views of the respondents on the facilities that need to be improved on the beach.

To improve the condition of the beach, twenty eight (28%) felt that the priority should be for the provision of or improvement to the toilet/ changing facilities. Twenty two (22%) identified the need for safety measures on the beach and nineteen (19%) pointed to the need for the provision of entertainment facilities on the beach (Figure 4).

Availability of Beaches

The coastline of Jamaica is approximately 1009km (494 miles) long, with approximately 49.3% (498 km) being characterized as sandy beach. Of this less than 0.6% (approximately 3km) of the shoreline is designated as public beaches while in excess of 30km are used in association with hotels and other tourism interests. Seventy percent (70 %) of the sandy beaches can be characterized as being white sand and the other thirty percent (30%) as black sand. The white sand beaches have proven to be more attractive to locals and visitors alike and are the locations of most of the hotel developments. Figure 5 shows the distribution of the sediment types around the Island. The white sandy beaches are predominantly found on the north coast. This factor explains the dominance of resort developments along this coast (Figure 6).

Public beaches are dispersed around the coast however most of these properties are located along the north coast adjacent to the major highway. On the south coast, these beaches are often some distance away from the major highway. On average, public beaches are located approximately five miles apart (Figure 7).

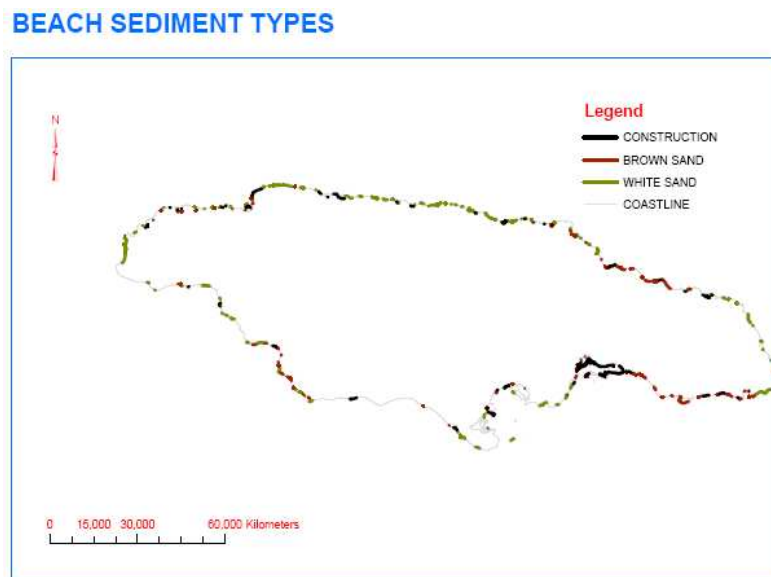


Figure 5: The distribution of the two main sediment types. White indicates marine derived sediments and brown represents largely terrigenous derived sediment.

The survey found that twenty three percent (23%) of the beach goers came from the nearby community, nineteen percent (19%) were from the Parish and thirty eight percent (38%) from a Parish on the same coast. Twenty percent (20 %) were from a Parish from the opposite coast (Figure 8).

Fifty eight percent (58 %) of the respondents had travelled in excess of 25 miles to visit the beach. Twenty three percent (23 %) travelled less than 2 miles. And nineteen percent (19%) travelled between 2 and 25 miles (Figure 9).

HOTEL BEACH LOCATION

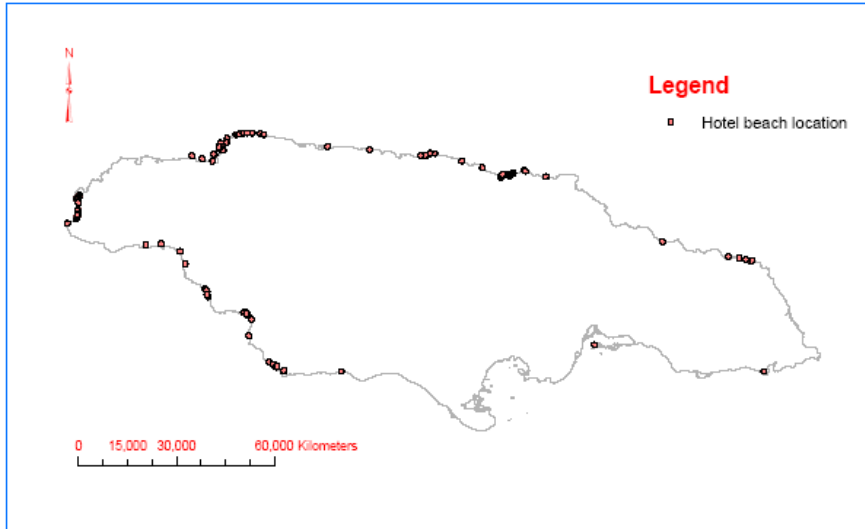


Figure 6: The location of Hotel beaches across the Island. Most Hotel beaches are located along the North coast.

PUBLIC BEACH LOCATION

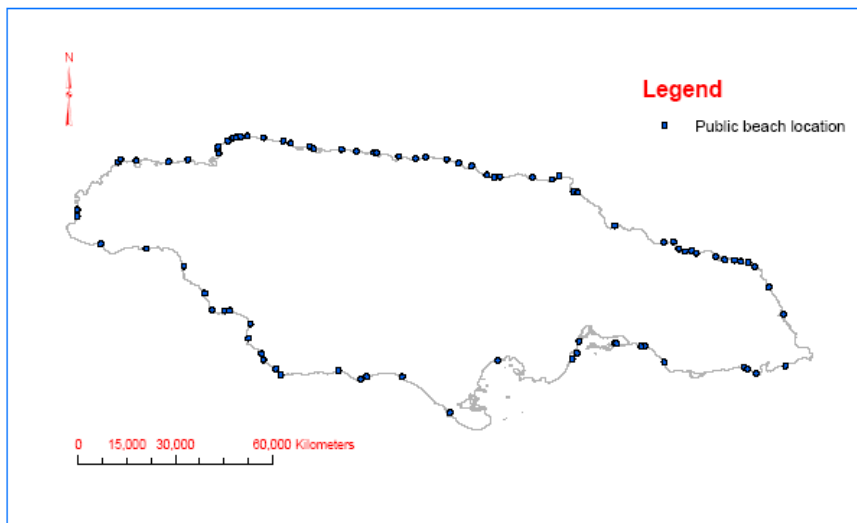


Figure 7: The location of all designated public beaches across the Island. Most public beaches are located along the North Coast.

Fifty seven percent (57%) of the respondent felt that they should not have to travel more than 1 mile (walking distance along the coast) in order to access the beach. Twenty three percent (23 %) felt that travelling anywhere up to five miles would be reasonable. Only seven percent 7% felt

that travelling over 10 miles would still be a reasonable distance to travel in order to access a beach (Figure 10).

The analysis of the results of the survey of beach users show that seventy six (76 %) of respondents felt that there are not adequate bathing beaches within easy access (Figure 11).

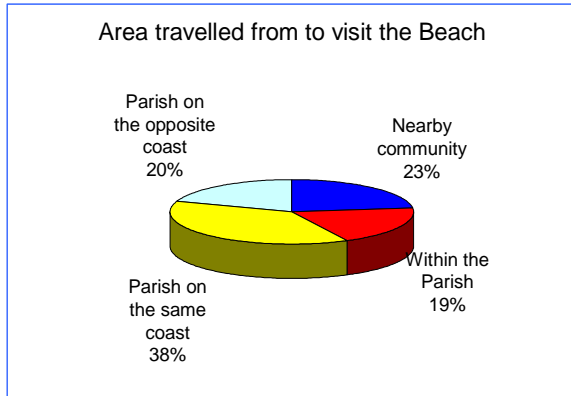


Figure 8: The area from which users of the beach travelled to get to the beach. Findings from the beach user survey.

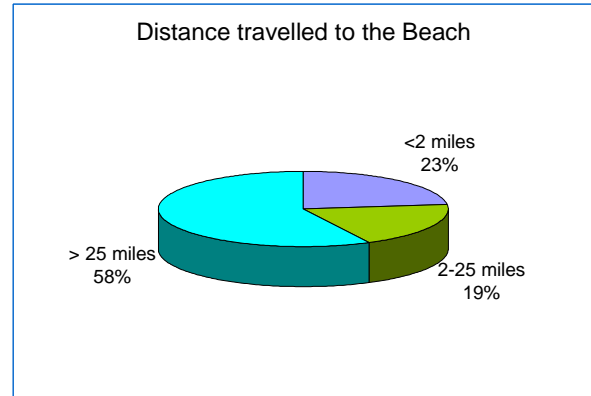


Figure 9: The distance travelled by users of the beach to get to the beach. Findings from the beach user survey.

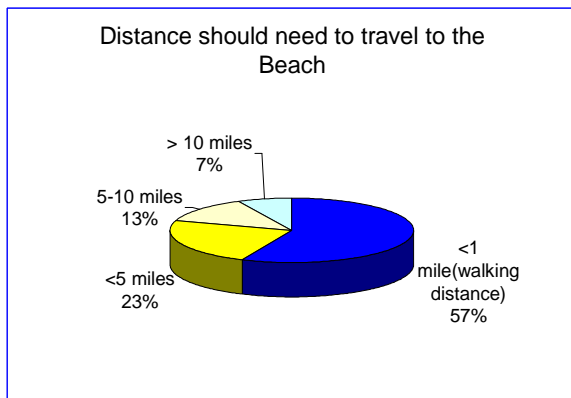


Figure 10: The views of the respondents on the approximate distance they feel they should have to travel to get to a desirable beach.

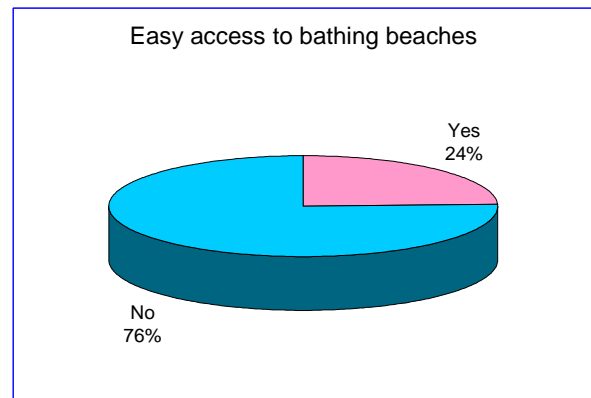


Figure 11: The views of the respondents on their ease of access to public bathing beaches

Beach access rights in small Islands

Island nationals in general have traditionally taken for granted access and use of their coastal resources. These resources are often viewed as common resources that are part of their heritage and are free and accessible to all. Many of these Islands however are now experiencing rapid tourism growth and this is having a negative impact on the coastal resources. Often, it is not until these areas become inaccessible, or their resources are destroyed, that the respective governments become aware of the problem and attempt to take corrective action.

Land ownership adjacent to the shore as evolved over time dependent largely on the Islands colonial past. Rights to the beach and land ownership along the coast are significantly different in former French and British territories.

In the Island of St. Lucia which has a French colonial history, the land adjacent to the beach forms the Queen's Chain and is owned by the government. This land extends 57 m inland from the high water mark and is equivalent to 60 French 'pas' (French feet). This coastal strip was reserved primarily for the positioning of fortresses for the island's defences during French occupation (Chambers 1989). As a general policy, land within the Chain cannot be purchased, only leased, although there are a few exceptions where portions of the Queen's Chain have been sold. With so much of its coastal land in public ownership, the government has greater control over the planning of new beachfront development (Chambers, 1998).

Haiti, a country which forms part of the island of Hispaniola was also once under French control and has a similar pattern of coastal land ownership as St. Lucia. In Haiti no one can own land within 16 m of high water mark, the equivalent of the French law 'Les Quinze Pas du Roi'. As a result of limited law enforcement however, the coastal resources of Haiti are being over exploited and there is unregulated development within this area (Chambers, 1998).

In many of the islands once under British control as is the case in Jamaica, private ownership of coastal lands extends to the high water mark. In cases of coastline change, and unless there is specific legislation, British Common Law provides for a seaward or landward change in the property boundary only if the change is of a gradual nature. A sudden change of the property boundary, such as due to reclamation or a new sea defense structure does not change the boundary.

In Barbados, the beach is considered public property, since the foreshore is public land. The ownership of the area of beach land between the high water mark and a structure such as a property fence or a building falls is often unstated. This area however is typically viewed as public land and therefore available for the use and enjoyment of the public at large. It is the case that unless there is a legal setback, the beach land upwards of high water mark is privately owned.

In St. Vincent and the Grenadines, owners of beachfront lands must ensure that there is a public access to the beach. Permanent structures must be at least 12 m from the high water mark, and permits are required from the Physical Planning and Development Board.

In Tobago the sister state of Trinidad and Tobago, the Three Chains Act, vest the strip or belt of land round the coast commonly called the three chains in the respective proprietors and their heirs of lands adjoining the three chains. The Act also provides public access to the beach through property within a specified distance from the high water mark of the adjoining beach. Concerns have been raised in Trinidad and Tobago regarding the impact on the tourism sector if property within the three chains is to be in fact communal property.

A community ownership concept for coastal lands exists in the Maldives. Members of communities of individual islands regard the surrounding lagoon and reefs as an integral part of

their coast. While some individual homes and agriculture plots are delineated, the rest of the land area including the beach, lagoon and reef are considered community patrimony. Individual land plots are setback from the beach slope and high water mark therefore access to and from beaches is not a major issue (Hameed and Ali, 2001). This pattern of community ownership also exists in Papua New Guinea and Samoa.

Beach access rights in the USA

The common law in all but five states has granted the public ownership to the tidelands, the land below the high tide line, and the right of lateral access, the right to use and pass along the tidelands, for recreational as well as utilitarian purposes. However the states of Delaware, Maine, Massachusetts, Pennsylvania and Virginia extend the private property line down to the low tide line and the public's rights to use these tidelands are strictly limited to the uses of fishing, fowling and navigation that were granted under their common law traditions (Slade et al., 1997).

Perpendicular access, which is the right to cross over the uplands and the dry sand area above the high tide line, is more problematic in the US.

Governments at all levels have utilized a number of methods to try to open up perpendicular access for recreational use (Mongeau, 2003). The first is by legislation. The major legislation governing public access is the federal Coastal Zone Management Act of 1972. Public access is one of the goals of the Act and stipulates that state coastal zone management programs must include plans for opening up access. In this regard several states have promulgated beach access legislation that allow the public recreational use of the state's beaches and provide for a programme to open up access sites for perpendicular access.

The use of regulatory tools is another method used for opening up access. A commonly used regulatory method is to require that a public access easement for an accessway be granted as a condition for permitting construction of a coastal development project (Mongeau, 2003). Local governments utilize zoning and land use regulations to ensure that development doesn't encroach on existing accessways.

Another commonly used approach utilized by both state and local governments to increase access is through the funding of an acquisition program. Purchasing access sites is a straightforward method to gain access and the purchased property is then undisputedly in public ownership.

A significant challenge faced by the authorities is the maintenance of these access ways given the need for recurrent expenditure. It is the responsibility of the state and local governments to ensure adequate parking, safe and handicapped accessible stairways and walkways, clean beaches, and adequate lifeguard and police protection for access sites as well as protecting the property rights of the adjoining owners.

In 1995, the Hawaii Supreme Court decided a landmark case that confirmed that all of Hawaii's beaches are open to the public and cannot be privately owned.

State law guarantees the right of public access to the sea, shorelines, and inland recreational areas, and transit along the shorelines, and to provide for the acquisition of land for the purchase and maintenance of public rights-of-way and public transit corridors (http://www.kahea.org/lcr/more.php?id=467_0_8_0_C).

Rights of access to and use of the beach and foreshore in Jamaica

By common law in Jamaica, the public has no general rights of access to the foreshore or the floor of the sea nor is there a general right of bathing (Davis-Mattis 2003, Jamaica Beach Policy 2006). Despite the general public perception, there are no general common law rights over the foreshore except to pass over it for the purpose of navigation or fishing.

Rights of bathing are established in the case of public beaches or where acquired by custom. Privileges to bathe may be enjoyed within a licensed beach (Hotel, Commercial and Public Recreational Beaches) subject to the rights of the licensee. These beaches are subject to the Beach Control (Hotel, Commercial and Public Recreational Beaches) Regulations 1978 and the Beach Control (Licensing) Regulations, 1956.

Prescriptive right

Section 14 of the Beach Control Act provides that the Authority upon receiving a petition from not less than five persons concerned with any dispute regarding the right to use any beach or land to gain access to any beach may act on behalf of the parties with a view to establishing such rights. Pursuant to Section 4 of the Prescription Act, the use of any such beach or access way must be for a period of not less than twenty years and such use must be uninterrupted and must have been so done without consent in writing. In these circumstances the Authority will request a declaration by the Court for prescriptive right on behalf of the public.

Rights of owners of property adjoining a beach

Section 4 of the Beach Control Act gives a right to any person who is the owner or occupier of any land adjoining any part of the foreshore and any member of his family and any private guest of his, to use that part of the foreshore adjoining his land for private domestic purposes including for bathing, fishing, and other like forms of recreation and as a means of access to the sea for such purposes.

Balancing Public and Private Interests

In an effort to cater to the various competing demands of bathing, fishing, resort development and industrial development, the Beach Control Authority embarked on a policy of issuing licences to beach property owners. While the intention of this approach at the time was considered reasonable the experience over the last fifty (50) years has demonstrated that increasingly, large tracts of beach lands are being licenced for commercial use with less being made available for public access and use.

Section 11 of the Beach Control Act provides that the Authority in considering an application for a licence to encroach on the foreshore or floor of the sea, shall 'consider what public interests in regard to fishing, bathing or recreation or in regard to any future development of the land adjoining that part of the foreshore in respect of which the application is made, require to be

protected and they may provide for the protection of such interests by and in the terms of the licence.’

It is becoming more and more of a challenge to the Authority to balance these competing interests when singly considering licence applications. The central issue is, how does the Authority provide for the interests of the public when considering an application that desires specific use of the foreshore and the floor of the sea for the licencees own commercial use, when the same area has been used habitually by the public for bathing and recreational activities. It can be argued that the Authority cannot reasonably require of the licensee the provision of general public access when the licensee is required by virtue of the licence granted to him to make significant investments related to the health and safety of the users within the licenced area.

These decisions are never easy and require the application of methods that provide for equity and fairness. The experience unfortunately is that every situation has been dealt with on a case by case basis with less regard for the interest of the public. The following case studies illustrate this point.

Public beach access at Pear Tree Bottom- St. Ann

The Pear Tree Bottom Beach located along the St. Ann coastline is identified in the St Ann provisional Coastal Development Order as a public bathing and fishing beach. Often described as one of the most scenic beaches in St. Ann it abuts onto the coastal road which runs along the north coast of the Parish. The fore reef is one of the best inshore SCUBA diving sites in Jamaica and there the corals are in comparatively good health. From the vantage point of this beach the public had a scenic view of the northern coast of Jamaica into the parish of Trelawny. This was before permission was granted by the government for the road to be diverted inland to accommodate a mega tourism development (Figure 12).

Approximately ten (10) fishing boats were regularly moored at this beach and although there were no safety or sanitary facilities, this was a regular recreational spot for locals and foreigners alike. With the approval of the development, metal gates were constructed at both ends of the original road and public access denied. The records show that the government approved the realignment of the road without due consideration to the fact that the public would be disenfranchised from a natural heritage site that many considered to be a part of their patrimony. It should be noted that while some members of the public expressed opposition to the realignment, their opposition was not sustained and therefore never had the desired impact on the decision making process.

The fishermen have now relocated themselves to a site east of the Pear Tree Bottom Beach, a site that is fast becoming a squatter settlement.

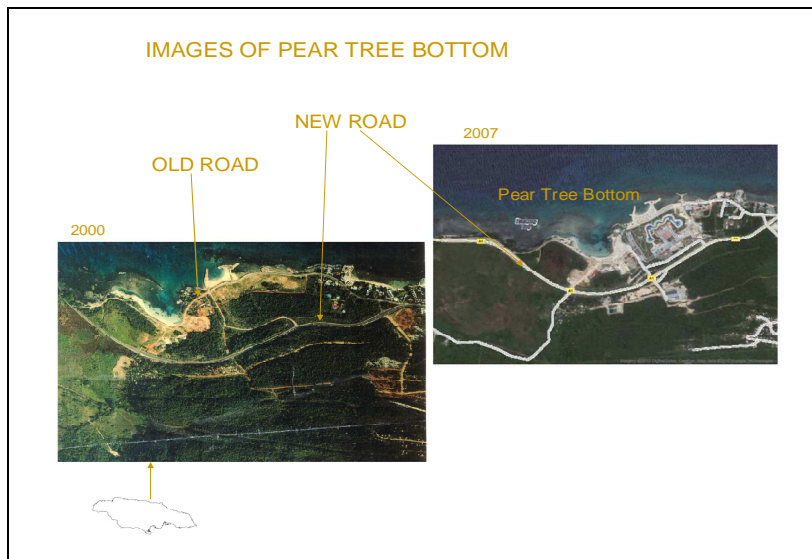


Figure 32: Image series of Pear Tree Bottom showing the old coastal road and the new highway. The land north of the highway is now the site of a large hotel complex

Public beach access at Treasure Beach – St. Elizabeth

Located in the parish of St. Elizabeth along the south coast of Jamaica, Treasure Beach is known for its relaxed country style atmosphere. Tourist from small local villas and guest houses are regular users of the beach and often can be seen interacting with the locals who consider the beach there own treasure.

A parochial road provides access to the western end of the beach from the main coastal road. Privately owned lots some occupied by guest houses, separate the coastal road from the Beach. Fishermen beach their boats and have traditionally used the eastern section of the beach to ply their trade. These fishermen have over the years used the parochial road crossing in front of the private lots to get to their section of the Beach (Figure 13). With the development of these lots into guest houses in recent years, a conflict developed between the property owners and the fishermen where the property owners were of the view that the action of the fishermen in crossing to eastern section of the Beach was negatively impacting their guests who routinely use the Beach.

One property owner attempted to solve this problem by extended his boundary wall to the high water mark. This however was short lived as fishermen and residence of the area tore down the walls. Twenty (20) residences were subsequently brought before the courts for malicious destruction of property. After several meetings with the fishermen, property owners and local residences, the Authority sought and obtained through the courts prescriptive rights to access the beach by the fishermen.

It should be noted that while a solution has been found to the access issue, the rights of the property owners and their guest to safely use the beach has not been adequately addressed.



Figure 43: Treasure Beach which is part of Frenchman's Bay. The image shows the coastal road and the fishing boats docked on the eastern section of the beach.

Beach Access Blue Lagoon – San San Portland

The Blue Lagoon is a sheltered cove located along the coast of north eastern Jamaica in the Parish of Portland (Figure 14). The lagoon is one of the most scenic spots on the Island and Portland's most celebrated attraction. Surrounded by steep, green hillsides, the Blue Lagoon is fed by underground mineral springs, and is estimated to be about 185ft (56m) deep.

In the mid 1950s the Blue Lagoon formed part of the San San property that extended to the community of Drapers to the east and included the Goblin Hill now the site of the Goblin Hill Hotel. The San San property was developed and marketed as a high end exclusive subdivision. The owners sought and obtained approval for the diversion of the coastal road to create a beach catering exclusively to the owners of property in the subdivision.

The stretch of shoreline eastward to the Lagoon was developed into condominiums and guest houses. A lot on the western end of the Lagoon was rented to Government to be used as a fishing beach by fishermen who had traditionally used the site. Despite the existence of a parochial road to the Lagoon, owners of private property have on several occasions over the last fifty years (50) attempted and have sometimes been temporarily successful in blocking public access to the Lagoon.

Presently lands around the lagoon have been completely walled in, saved for a narrow walk way from the parochial road directly unto the Lagoon. Unless action is taken by Government then the present and future population will under normal circumstances have no experience of the unique beauty of this coastal lagoon.



Figure 14: The coastal road runs to the west and south of the Blue Lagoon. The parochial access road is identified on the image.

Framework for managed access to the beach and the foreshore

A ranking of options for improving public access to the beach is being proposed. This is based on the rights ascribed to the public as against the rights of the private beach property owner. Legislative options are credited with a lower favorability rank because; while more privileges will be available to the general public, the existing rights (common law or other wise) of the private land owner will be negatively affected. A higher favorability rank is also given to options that support a managed common pool resource strategy. Administrative and negotiated options are considered to be more favorable strategies (Table 2).

Recommendations

A comprehensive Beach Access Plan which considers the current and future beach access needs is an important part of any beach access strategy. This should be supported by a detailed access inventory of the entire coastline which identifies and describe all known access points.

Ownership of public beach facilities is spread across six entities with the Parish Councils owning the majority of the properties. And as already been discussed, these properties are in a dilapidated condition despite several attempts to have them properly upgraded. A coordinated approach is being suggested where an entity such as the Urban Development Corporation which has had a long history of successfully operating public beaches, is given the specific mandate to develop these beaches.

Table 2: Framework for the allocation of beach access rights based on a favorability rank

Favorability	Options	Impact	Constraints
Low	Legislation declaring open access to the beach	Negative impact on property ownership rights especially owners who use their property for domestic purposes. Shared rights to the beach. Property owners will move to secure their rights in the courts	Private land owners will still own a section of the beach despite it being open and available to the public.
Low	Legislation requiring set back of property boundaries from the sea – the new land becomes the property of the crown and available for public use (existing property boundaries will be set back over time)	Property owners loose land. Rights to the use of the beach are now shared.	Government might have to compensate property owners
Low	Legislation bestowing on the public the right to use the foreshore and floor of the sea	Shared rights to the foreshore and floor of the sea	The need for additional regulations to manage the common resource
Medium	Legislation requiring the provision of public access by property owners	Existing rights remain except for beach properties that were only used for domestic purposes which will now have to be shared.	Private property owners might challenge this action in the courts. Free access or with the payment of a fee will need to be resolved
Medium	Preserving through prescriptive rights legislation, existing access ways	The rights of public access to the foreshore and the beach is secured	Has to be proven in court and could take an extended period of time
High	Requiring the provision (through the permitting system) of access to the beach at new coastal zone developments	Improved public access to the beach. Limited impact on the rights of property owners	
High	Negotiation of easements to provide access to the foreshore	Improved public access to the beach. No impact on the rights of property owners	
High	Government acquisition of land for access ways and beach lands	Improved public access to the beach. No impact on the rights of property owners	Will be a significant cost to the government. Compulsory acquisition is not viewed favorably.
High	Identify and re-open existing access ways and beach lands	Improved public access to the beach. No impact on the rights of property owners	
High	Rehabilitation of public beaches	Improved public access to the beach. No impact on the rights of property owners	Will be a significant cost (capital and maintenance) to the government

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