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To the Editor:

I have spent more than 30 years as an advocate and litigator on behalf of grassroots and minority groups in Canada, the U.S., the Caribbean, and Latin and Central America, challenging the attempts by large corporations and powerful political entities to control and privatize the commons – the air, water, aquifers, fisheries, beaches, and public lands – that are by law, and tradition, the shared property of the broader public including the poor.

In the Caribbean, I have used the courts, community campaigns and public forums to challenge grabs by multinational hotel chains, developers and government agencies who seek to gain exclusive control of the reefs, fisheries, beaches and entire islands. This includes the successful crusade, led by thousands of courageous Puerto Ricans, to halt U.S. Navy practice bombardments on the island of Vieques in 2001 – for which many of us went to prison. In that battle I represented several thousand Viequesans as their attorney against the Navy in a series of lawsuits. I also spent 30 days in jail for civil disobedience.

With this as background, I want to share my observations regarding the current skirmishes on Lyford Cay.

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First, I believe it is a mistake for anyone to dismiss this dispute as a quarrel between wealthy foreigners – and therefore irrelevant to Bahamian citizens.

The Constitution of the Bahamas, following well-established western law dating as far back as the Roman Code of Justinian and the medieval Magna Carta, holds that the shared resources – air, water, beaches, and fisheries – belong to the public. Under the “Public Trust Doctrine” also known as the “the Law of the Commons,” every citizen of the Bahamas, humble or noble, black or white, rich or poor, has a right to use those common resources – but never in a way that diminishes their use and enjoyment by others.

Unfortunately, through the privatization of Bahamian beaches by foreign corporations, most of these citizens now swelter in the heat of downtown Nassau without access to 90% of their beaches and the abundant conch and fin fish fisheries that once provided a vital social safety net for their families.

It might have been worse. In 2000, the San Francisco-based Bechtel Corporation (and its successor, South Carolina developer Chaffin/Light Associates) had plans to build a dense resort development at Clifton. This project would have demolished historically significant slave cottages, many ornamented with the enchanting and heartbreakingly poignant etchings of West African slave artists. It also called for the privatization of Jaws Beach – the last large public beach accessible to Nassau residents – and the

destruction of a world famous coral reef that was a critical economic and subsistence resource for local fishermen and small Bahamian businessmen.

At the request of philanthropist Louis Bacon, and several local Bahamian grassroots groups, I joined a campaign to stop this development. Mr. Bacon is one of Wall Street's most generous donors. He has spent hundreds of millions of dollars battling reckless development and buying and preserving some of the world's most inspiring landscapes on behalf of the public. He has courageously funded indigenous and minority grassroots and environmental activists across the globe – including the Bahamas -- in political battles against powerful polluters. Some of his most formidable adversaries have been overtly racist companies from North Carolina's factory farm and slaughterhouse industry, Canadian lumber companies stealing timber from coastal Indian tribes, the oil and chemical moguls of Louisiana's "cancer alley," and the mining barons who have poisoned the Hispanic population of Colorado's Alamosa Valley.

The Save Clifton Movement was a powerful partnership. While Mr. Bacon and I focused our attention on the U.S.-based developers of Clifton, dozens of Nassau's political, cultural, environmental and civic leaders fought the ground war to shut down the project. **We worked side by side with Bahamian partners including Sam Duncombe, Reverend C.B. Moss, Sir Nicholas Nuttall, Vivian Whyllly and Keod Smith who were leading the charge to convince the government not to support the ill-advised development.** Bahamas' current Prime Minister Perry

Christie became one of the loudest and most effective voices. He recalls that he rode the Clifton issue to victory in the subsequent Parliamentary election. Once elected, Prime Minister Christie kept his campaign promise by denying construction permits, shutting down the development and declaring Clifton a 200-acre national park. Clifton Heritage National Park and its public beaches are now permanently protected on behalf of all Bahamians – one of the largest such parks in this proud island nation.

The success at Clifton was a shining moment for the nation's people, environment, and a triumph for grass roots democracy, but as we subsequently learned, the battle is not over.


Just across Clifton Bay, a Canadian clothing retailer, Peter Nygard, has created a luxurious estate by privatizing the public waterways of Clifton Bay and stealing sand. The Attorney General's office, in a draft defence to Mr Nygard's accretion claim exhibited to an affidavit filed in the legal proceedings, has stated that Mr Nygard has enlarged his land by carrying out works for the purpose of extending the foreshore and reclaiming crown land from the sea . Indeed, public records show that, by what I would say amounts to illegally stealing of crown lands, Nygard has doubled the size of his property from 3.25 acres in 1984 to more than six acres in 2010.

Mr. Nygard's' outlaw actions are not trivial crimes. They are unethical and if they took place in the USA and elsewhere would resound in consequences for Mr. Nygard.. Stealing under water land not only kills corral reefs and destroys shellfish habitat, it also threatens crown assets sacred to the Bahamian people: Water and beach link Bahamians to their own storied island history, and to the 10,000 generations of human beings who lived before laptops. Cool ocean breezes, sandy beaches and clean abundant waters also provide Bahamians with their only real connection to wilderness. Wilderness provides beauty and recreation, as well as economic and cultural opportunities. I believe it is also an important platform for spiritual renewal. As a devout Catholic and a student of other religious traditions, I have long noted that virtually all the ancient prophets of every major religious tradition came out of the wilderness and that all the central epiphanies in the world's great religions occurred in the wilderness. Buddha first experienced enlightenment sitting under a Bodhi tree in the forests of Bodh Gaya. Christ first discovered his divinity while spending 40 days alone in the wilderness. The prophet Muhammad, a city dweller from Mecca, uttered the first surahs of the Koran while wrestling angel Gabriel on the wilderness heights of Mount Hira where he would go each year to pray in a cave.

The spiritual aspect is but one of many motives that fuels the fight to preserve the sacred land and water and the democratic rights of the Bahamian people. Join us at www.protectclifton.org and let us stand together against the corruption that threatens to subvert Bahamian democracy and isolate the Bahamian people on the steamy

pavement of the their islands' interiors, fenced off from the beaches which they legally own. Bahamian grassroots democracy has already demonstrated that with truth, pride, energy, and faith, there is no battle that cannot be won.

Sincerely,


Robert F. Kennedy, Jr.