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Heritage, landscape and spatial justice: new legal perspectives on heritage protection in the Lesser Antilles

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HERITAGE, LANDSCAPE AND SPATIAL JUSTICE: NEW LEGAL PERSPECTIVES ON HERITAGE PROTECTION IN THE LESSER ANTILLES

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in 1978

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National laws

Antigua and Barbuda

Constitution of Antigua and Barbuda 1981

Environmental Protection and Management Act 2014

National Parks Act 1984

Physical Planning Act 2003

Barbados

Constitution of Barbados 1966

Museum and Historical Society Act 1933

The National Trust Act 1961

Town and Country Planning Act 1985

Dominica

Constitution of the Commonwealth of Dominica 1978

National Parks and Protected Areas Act 1975

Physical Planning Act 2002

Grenada

Constitution of Grenada 1973

Grenada National Museum Act 2017

National Parks and Protected Areas Act 1990

National Trust Act 1967

Physical Planning and Development Control Act 2016

Saint Lucia

Constitution of Saint Lucia 1978

Physical Planning and Development Act 2005

Saint Lucia National Trust Act 1975

Saint Lucia National Trust Rules 1984

St Kitts and Nevis

Constitution of Saint Christopher and Nevis 1983

Development Control and Planning Act 2000

National Conservation and Environmental Protection Act 1987

The Saint Christopher National Trust Act 2009

St Vincent and the Grenadines

Constitution of Saint Vincent and the Grenadines 1979

National Trust Act 1969

National Parks Act 2002

Preservation of Historic Buildings and Antiquities Act 1976

Town and Country Planning Act 1992

Trinidad and Tobago

Constitution of the Republic of Trinidad and Tobago Act 1976

Municipal Corporations Act 1990

Town and Country Planning Act 1960, as amended

Trinidad and Tobago National Museum and Art Gallery Act 2000

The National Trust of Trinidad and Tobago Act 1991

The National Trust of Trinidad and Tobago (Amendment) Act, 2015

Other jurisdictions

The Bahamas

The Antiquities, Monuments and Museum Act 1998

The Bahamas National Trust Act 1959, as amended

United Kingdom

Antiquities, Monuments and Museum Act 1998

Civic Amenities Act 1967

Listed Buildings Act 1990

Monuments and Archaeological Areas Act 1979

Museum and Galleries Act 1992

National Parks and Access to the Countryside Act 1949

National Parks (Scotland) Act 2000

The Countryside and Rights of Way Act 2000

The Wildlife and Countryside Act 1981

International and regional

African Union

African (Banjul) Charter on Human and Peoples' Rights, 27 June 1981, CAB/LEG/67/3 rev.5. Entry into force: 21 October 1986.

Council of Europe

Convention for the Protection of the Architectural Heritage of Europe, Granada, 3 October 1985. ETS 121. Entry into force: 1 December 1987.

European Convention for the Protection of the Archaeological Heritage (Revised), Valetta, 16 January 1992. ETS 143. Entry into force: 25 May 1995.

European Landscape Convention, Florence, 20 October 2000. ETS 176. Entry into force: 1 March 2004.

Framework Convention on the Value of Cultural Heritage for Society, Faro, 27 October 2005. ETS 199. Entry into force: 1 June 2011.

Recommendation No. R(95)9 of 11 September 1995 of the Committee of Ministers on the Integrated Conservation of Cultural Landscape Areas as Part of Landscape Policies.

Recommendation 79 (9) of the Committee of Ministers Concerning the Identification and Evaluation for the Protection of Natural Landscapes.

Recommendation No. R(89)6 of the Committee of Ministers of 13 April 1989 relating to the Protection and Enhancement of Rural Architectural Heritage.

Recommendation No. R (80) 16 on the Specialised Training of Architects, Town Planners, Civil Engineers and Landscape Designers. European Landscape Convention, Florence, 20 October 2000. ETS 176. Entry into force: 1 March 2004.

Organization of American States

American Convention on Human Rights, ‘Pact of San Jose’, Costa Rica, 22 November 1969. Entry into force 18 July 1978.

American Declaration of the Rights and Duties of Man, adopted by the Ninth International Conference of American States, Bogotá, Colombia, 1948.

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (‘Protocol of San Salvador’), 16 November 1999, A-52.

Convention on the Protection of the Archeological, Historical, and Artistic Heritage of the American Nations, Approved on June 16, 1976, through Resolution AG/RES. 210 (VI-O/76), adopted at the Sixth Regular Session of the General Assembly, Santiago, Chile.

Declaration of Commitment of Port of Spain, adopted 19 April, 2009, OEA/Ser.E CA-V/DEC.1/09

Declaration of Mar del Plata ‘Creating Jobs to Fight Poverty and Strengthen Democratic Governance’, Mar del Plata, Argentina, November 5, 2005.

Organisation of Eastern Caribbean States

Revised Treaty of Basseterre Establishing the Organisation of Eastern Caribbean States Economic Union, signed 18 June, 2010.

Secretariat of the Convention on Biological Diversity

Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments Regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites, and on Lands and Waters Traditionally Occupied by Indigenous and Local Communities (2004)

Convention on Biological Diversity, Rio de Janeiro, 5 June 1992. 1760 UNTS 79. Entry into force: 29 December 1993.

United Nations

International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 171. Entry into force: 23 March 1976.

International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 UNTS 3. Entry into force: 3 January 1976.

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 5 March 2009, A/RES/63/117.

The United Nations Declaration on the Rights of Indigenous Peoples, 13 September 2007, A/RES/61/295.

United Nations Economic Commission for Europe

Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters, Aarhus, 25 June 1998. 2161 UNTS 447. Entry into force: 30 October 2001.

UN Economic Commission for Latin America and the Caribbean

Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, Escazú, 4 March 2018.

United Nations Environmental Programme

Rio Declaration on Environment and Development, Rio de Janeiro, 14 June 1992, UN Doc.A/CONF.151/26.

United Nations Declaration on the Human Environment, Stockholm, 15 December 1972, A/RES/2994. A/CONF.48/14.

United Nations General Assembly

UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3.

2005 World Summit Outcome, GA res A/60/1, 15 September 2005.

United Nations Educational Scientific and Cultural Organization

Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14 May 1954. 249 UNTS 240. Entry into force: 7 July 1956.

Recommendation on International Principles Applicable to Archaeological Excavations (UNESCO, New Delhi, 5 December 1956)

Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites, Paris, 11 December 1962.

Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works, Paris, 19 November 1968.

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, Paris, 14 November 1970. 823 U.N.T.S. 231. Entry into force: 24 April 1972.

Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage, Paris, 16 November 1972.

Convention on the Promotion and Protection of the Diversity of Cultural Expressions, Paris, 20 October 2005, 2440 UNTS 311. Entry into force 18 March 2007.

Convention for the Protection of the World Cultural and Natural Heritage, Paris, 16 November 1972. 1037 UNTS 151. Entry into force: 17 December 1975.

Convention for the Safeguarding of the Intangible Cultural Heritage, Paris, 17 October 2003. 2368 UNTS 1. Entry into force 20 April 2006.

Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 2 February 1971, 996 UNTS 245. Entry into force: 21 December 1975.

Declaration concerning the Intentional Destruction of Cultural Heritage, Paris, 17 October 2003.

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List of Abbreviations

CARICOM	Caribbean Community
CBD	Convention on Biological Diversity
CCD	UN Convention to Combat Desertification
CEC	Convention for the Protection and Promotion of the Diversity of Cultural Expressions
CESCR	Committee on Economic, Social and Cultural Rights
CITES	Convention on the International Trade in Endangered Species
CoE	Council of Europe
CSICH	Convention on the Safeguarding of the Intangible Cultural Heritage
EC	European Communities
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECtHR	European Court of Human Rights
EIA	Environmental Impact Assessment
ELC	European Landscape Convention
ESCR	Economic, Social and Cultural Rights
EU	European Union
FCCC	UN Framework Convention on Climate Change
IAMCrHR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICCROM	International Council for the Conservation and Restoration of Monuments
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICOMOS	International Council of Monuments and Sites
IUCN	International Union for the Conservation of Nature
NGO	Non-Governmental Organisation
OAS	Organisation of American States
OECS	Organisation of Eastern Caribbean States
RAMSAR	The Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar (Iran)
SIDS	Small Island Developing States
UDHR	United Nations Declaration of Human Rights
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNFCCC	United Nations Framework Convention on Climate Change
WHC	World Heritage Convention
WTO	World Trade Organisation