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

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Propositions to accompany the defence of ‘Heritage, Landscape and Spatial Justice: New Legal Perspectives on Heritage Protection in the Lesser Antilles’ by Amanda Barbara Byer

1. Landscape or place, represents the spatial location of a community’s cultural identity, and its existence is integral to sustainable heritage protection.
2. Law is not always neutral, having been introduced to former colonies around the world as an instrument of empire to absorb land for imperial interests at the expense of local communities (spatial injustice).
3. Heritage and antiquities laws in the former British colonies of the Lesser Antilles prioritise aesthetic material heritage, so that there is a focus on colonial-era heritage, without considering the vernacular relationships communities have with objects, structures and places that can evolve over time.
4. Planning laws are based on town and country legislation designed to regulate land use in Postwar Britain, to prevent overcrowding and facilitate industrialisation – these laws regulate another space and time and conflict with heritage in the present day Lesser Antilles, viewing it as outdated, a public health hazard or an obstacle to development.
5. Parks and protected areas laws continue to reflect the principles of the first colonial reserves established in the Lesser Antilles to sustain plantation agriculture, in that they prioritise access for private interests, such as researchers and tourists, while undermining community access to public spaces which are important for community cohesion.
6. In the absence of adequate heritage law, communities in the Lesser Antilles highlight regulatory failures by engaging in place protective behaviour and so contribute to the decolonisation of the legislative framework.
7. In international law, there have been attempts to reverse the colonialist trend of extinguishing cultural landscapes by recognising the dynamic relationships between people and communities, which have implications for human rights, the environment and heritage.
8. There is no right to landscape in the common law, but landscape offers insights into the community relationships with the land that are essential for sustaining heritage, and this can be accommodated by giving communities the legal right to contest landscape use.
9. People order their lives according to the needs of their community and these customs provide evidence of laws lived locally.
10. People always have a history and a heritage – if it’s not in the books you can read it in the land.