

CULTURAL DEVELOPMENT ZONES

*Heritage Community Governance
and Culture as a Global Public Good*

*thou shalt be called the repairer of the breach,
the restorer of paths to dwell in*

ISAIAH 58 : 12

D O N A T A A N N A G A R S I A

CULTURAL DEVELOPMENT ZONES

Heritage Community Governance and Culture as a Global Public Good

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*To the Monastic Sisters of Bethlehem
and to the heritage communities
whose stewardship this work seeks to defend.*

Heritage communities are not administrative constructs.
They are stewards of an inherited encounter
with truth, beauty, and goodness.

*And they that shall be of thee shall build the old waste places:
thou shalt raise up the foundations of many generations;
and thou shalt be called, The repairer of the breach,
The restorer of paths to dwell in.*

ISAIAH 58:12

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Preface

Across five decades, international heritage law has articulated, with steadily increasing precision, the rights of cultural communities to participate in the determination, protection, and transmission of their own heritage. Yet at the level where those communities live and work (inside the institutions through which they steward what has been entrusted to them) the international framework cannot reach. It recognizes. It defends. It measures. It does not, and by its form cannot, govern. The question that animates what follows is whether a governance form exists that completes what the framework has begun, operates at the level the framework has identified as necessary and left explicitly open, and is specifiable with enough discipline to be taken up by scholarship, by policy, and by the heritage organizations themselves.

I believe such a form is specifiable, that it travels across legal traditions, and that the present moment has opened the policy window in which a proposal of this kind may find institutional uptake more rapidly than the preceding two decades would have suggested. The MONDIACULT 2025 Outcome Document has reaffirmed and operationalized culture as a global public good. The post-2030 development agenda is taking shape in the wake of the Sustainable Development Goals' first cycle. The form I propose is named Cultural Development Zones.

The seven constitutional-choice principles that compose it are not new in every part. Their components are drawn from working legal traditions across several countries: the United Kingdom's Community Interest Company framework, the United States' Community Land Trust movement and Benefit Corporation forms, the continental civil-law foundations and *Stiftungen*, the cooperative legal forms of several Northwestern European traditions, and the constitutional trust law that governs charitable endowments in the common-law tradition. What the book contributes is the integration of these components into a single architectural template, the identification of the level at which each must be anchored to be structurally protective, and the articulation of the relationship between the template and the international framework's normative commitments, so that the form is recognizable to multilateral bodies as a plausible operational layer for the commitments those bodies have articulated.

The argument is universal architecture; New York is the demonstration jurisdiction, not the scope. The Hamilton Policy Codex, including the New York Model Legislation, is treated in this volume as a worked federalist example of the CDZ method rather than as the prescription for every heritage community. Its role is evidentiary and methodological: it shows how the architecture can be translated into a specific statutory instrument after the jurisdiction, legal tradition, heritage community, asset structure, governance vulnerabilities, and stewardship tradition have been examined.

This distinction matters because heritage policy cannot be prescribed uniformly. CDZ is a diagnostic and drafting method. It identifies the categories of risk, the constitutional-choice level at which protection must operate, and the legal functions that must be secured; the actual policy instrument must then be prescribed to the particular community and legal setting. Indigenous, monastic, post-industrial, municipal, diasporic, customary-law, and other heritage communities may require different instruments generated by the same method. The broader work of Heritage Policies is to develop those instruments without confusing the demonstration jurisdiction with the universal architecture.

The architecture proposed here is built on a particular reading of what heritage is: heritage is, before it is administrative, relational. It is the set of connections through which a community holds its inherited encounter

with what it values: connections among people, across time, with the land that holds the practice, and between the theory and the practice through which a stewardship tradition sustains itself. Recognition without protection severs these connections. Administrative procedure without relational integrity reduces them. Indicators without governance architecture measure them after their conditions of survival have already been weakened. The work proposed in these pages is designed to do something more modest and more specific: to identify the constitutional-choice level at which relational heritage can be held against the pressures that would dissolve it, and to specify the legal functions, governance mechanisms, and accountability instruments through which heritage communities sustain those connections as the conditions of their stewardship change.

Read in this register, the seven CDZ principles are protective rather than prescriptive. They do not impose a uniform institutional model on relational heritage practices that hold their own legal, cultural, and customary traditions. They identify what must be held constant for stewardship to survive across pressure events, and they leave the local instrument to be drafted in dialogue with the community whose heritage is at stake. Theory in this volume is offered for the practice it must serve; the work the chapters undertake is the conversation between them.

This is the architectural volume: it establishes the diagnosis, categories, method, and portable governance form. A companion volume follows as the empirical and implementation volume, carrying the architecture into a specific case in which the conditions of prescription, adoption, contestation, and remedy can be examined in detail.

To recognize a right without providing its protection is not remedy but witness to an unhealed wound. The chapters that follow are the most disciplined attempt I can offer to do something about it.

Donata Anna Garsia

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Reader's Map

The Argument at a Glance

The book makes a single architectural claim in five steps, followed by one demonstration step. This map is provided so the reader does not have to hold the whole architecture in memory while moving through the legal, empirical, and policy materials.

STEP	CORE POINT	WHERE DEVELOPED
1. Recognition	Faro recognizes the heritage community as a rights-bearing subject.	Chapter 2
2. Site protection	World Heritage protects physical fabric, but not always the steward-site bond.	Chapter 3
3. Policy and measurement	Cultural Expressions protects policy space; Culture 2030 measures cultural contribution.	Chapter 4
4. Governance gap	The institutional constituting instrument is where rights become durable or fragile.	Chapters 5–6
5. CDZ architecture	Seven constitutional-choice principles protect mission, assets, community standing, and continuity.	Chapters 7–9
6. Policy horizon	A UNESCO Recommendation is one plausible route from scholarly architecture to public uptake.	Chapter 10
7. Demonstration jurisdiction	Hamilton Policy/New York shows one federalist, common-law implementation of the CDZ method; it is Exhibit A, not the universal prescription.	Chapter 9; Appendix A

Reader's Guide

How to Read the Argument

The rest of the book should be read as a movement from recognition to architecture: from international instruments that name the rights of heritage communities, to institutional provisions capable of making those rights durable in the organizations through which communities live them.

Hamilton Policy should be read in the same way: not as the universal scope of CDZ, but as a demonstration jurisdiction. The method is portable; the instrument is prescribed locally.

Chapter 1. Introduction: The Unhealed Wound

Chapter at a glance: This chapter introduces the governance gap, states the five claims of the book, and explains why the institutional constituting instrument is the level at which the argument will operate.

1.1 Recognizing a right without securing it

To recognize a right without providing its protection is not remedy but witness to an unhealed wound. This is the wound the book sets out to address. The wound has not closed in the two decades since the diagnostic literature first named it. It cannot close at the level the international heritage framework operates. Closing it requires the construction of governance architecture at the level the framework has identified, named, and explicitly declined to enter: the level of the institution itself, the organization through which a heritage community sustains the stewardship the framework recognizes as the community's by right.

This book offers one such construction. It takes up the architectural task that international heritage law, by its form, cannot perform; that the critical heritage studies tradition has, with increasing precision, called for over the past two decades; and that the present policy moment, with the MONDIACULT 2025 Outcome Document's reaffirmation of culture as a global public good and the post-2030 development agenda taking shape in the wake of the Sustainable Development Goals' first cycle, has rendered not only conceptually possible but politically eligible for the first time since the Faro Convention was opened for signature in 2005. The argument the book advances is that a governance form exists, that it is specifiable, that it travels across legal traditions, and that it is one possible operational layer for the institutional gap the international framework leaves open since Article 2 of the Faro Convention named the heritage community as a legal subject with recognized rights twenty years ago. The book names that form Cultural Development Zones, sets out its seven constitutional-choice principles, defends them against the rival hypotheses the empirical record raises, demonstrates their implementation across multiple cases and legal traditions, and proposes the multilateral pathway through which the form can find institutional uptake.

The form is not new in every part. Its component mechanisms (asset locks, mission entrenchment, community-accountability protocols, supermajority amendment thresholds, independent-assurance regimes, restorative remedy provisions) are drawn from working legal traditions. The United Kingdom's Community Interest Company framework supplies asset-lock and mission-lock architecture; the United States' Community Land Trust movement and Benefit Corporation forms supply parallel structures, with the additional layer of state charitable trust law that can codify mission protection at the constitutional level; continental civil-law foundations and Stiftungen supply analogous mission-durability architecture, often with longer institutional histories than their common-law counterparts. What this book contributes is the integration of these components into a single architectural template, the identification of the level at which each must be anchored to be structurally protective, and the articulation of the relationship between the template and the international heritage framework's normative commitments. The integration is the contribution. The components stand on existing institutional records. The architecture, the level at which the components are anchored, and the relationship to international heritage law are what the book defends.

The empirical setting against which the book's case is made is the post-industrial adaptive-reuse cultural organization (the disused factory, the decommissioned shipyard, the abandoned warehouse, the closed church or

seminary, the silenced brewery) reanimated by a community whose vocational labor and cultural imagination converts derelict structure into living institution. The setting is not incidental to the argument. Markusen and Gadwa's 2010 study of creative placemaking, subsequently adopted as the conceptual framework for the United States National Endowment for the Arts' placemaking initiatives and applied internationally, established the analytic through which the cultural-economic contribution of such organizations could be empirically measured. Sharon Zukin's 2010 account in *Naked City* of the death and life of authentic urban places documented the recurring counter-finding: precisely where creative placemaking succeeds, the rising property values and external investment attention the success generates produce displacement pressures that erode the founding community's capacity to sustain its cultural authorship. The pattern is structural, not anomalous. It is the pattern this book's governance architecture is designed to address, not by preventing the success that triggers displacement pressure, which would defeat the purpose of the institutions in question, but by anchoring at the constitutional-choice level the protections that allow the founding community to retain authorship across the success-induced pressures the displacement literature documents.

1.2 The heritage studies diagnostic tradition

For two decades the critical heritage studies field has been writing the brief to which this book is offered as one disciplined answer. The diagnostic vocabulary has become precise. Smith's identification of the Authorized Heritage Discourse named, in 2006, the expert-driven, state-legitimized, materially-focused discourse through which heritage has historically been defined, valued, and protected, and in naming it gave the field the analytic by which the exclusion of heritage communities from the determination of their own heritage could be made visible. Harrison's dialogical heritage extended the analytic by proposing the relational orientation the alternative requires, a heritage that resists the binary between expert and community and attends to heritage as sustained negotiation. Winter's 2013 call for constructive critical heritage studies sharpened the field's task: the work of critique is necessary but not sufficient; the field must move from the identification of exclusion toward the design of alternatives. Meskeel's multi-year ethnographic observation of UNESCO World Heritage Committee deliberations supplied the empirical record of how state parties and geopolitical coalitions reshape nomination, inscription, and monitoring processes in ways that frequently disadvantage the communities the Convention was designed to serve. Bernecker and Franceschini, writing for the fiftieth-anniversary Springer volume on the World Heritage Convention, named the institutional crisis with unusual directness: the founding cosmopolitan ambition of the Convention has been structurally hollowed by the very state-party processes through which it operates, and the corrective the Convention requires is greater inclusivity of non-state actors and the effective delivery of governance outcomes to citizens and communities. Waterton and Watson documented the persistent gap between participatory heritage language in international instruments and participatory heritage practice at the organizational level.

Lucas Lixinski's *International Heritage Law for Communities: Exclusion and Re-Imagination* (Oxford, 2019) is a central predecessor to the present book. Reading the five core UNESCO heritage treaties as a discursive continuum rather than as isolated regimes, Lixinski argues that those treaties, taken together, have effectively prevented local communities from having any say in how their heritage is managed. The diagnostic case is powerful. Lixinski names the exclusion mechanism with precision; documents how it operates across regimes; identifies the conceptual space in which the field's re-imagination might take place; and stops, properly, at the

threshold the international-law tradition cannot itself cross: the organizational level where re-imagination becomes operative, or fails to. The present book begins where Lixinski leaves off. It accepts the diagnostic case and writes the constructive architecture the diagnosis has invited. The two books are companion volumes in the diagnostic-to-constructive turn the field has, with increasing pressure, called for.

The difference between Lixinski's five-treaty diagnostic continuum and this book's four-instrument framework is deliberate. This volume selects instruments for their contribution to participation-rights governance and institutional architecture; it therefore includes Faro as the rights-recognition frame and Culture|2030 as the measurement frame, while reading the UNESCO treaties through the narrower question of where community authorship becomes structurally durable or fails.

These contributions converge around a shared brief. That brief asks for the governance form through which heritage communities structurally retain authorship of their own cultural practice across institutional pressure and over time. It asks for an architectural answer to the diagnostic question. The asking has been precise. A sustained institutional answer has not yet appeared in the heritage studies literature as anything more concrete than reform suggestions at the level of intergovernmental practice, important suggestions, necessary suggestions, but not yet at the level of the institution where the rights are exercised or lost.

This book is offered as one answer. It is not the only possible answer. It is a disciplined attempt to write a form the diagnostic literature has invited, grounded in adjacent governance scholarship from outside critical heritage studies (institutional theory, constitutional-choice theory, comparative organizational law, the empirical study of mission drift in nonprofit and faith-based organizations, the Ostromian analysis of nested rule systems, and Wolterstorff's account of inherent rights and justice-as-shalom) and integrated with the heritage studies tradition through the four-instrument hierarchy at the heart of the argument. The integration is what makes the book distinctive. Critical heritage studies has the diagnostic vocabulary; the institutional-theory tradition has the analytical apparatus for governance form; the constitutional-choice tradition has the level-of-anchoring distinction without which the architecture cannot be specified; the rights-and-justice tradition supplies the normative grounding the architecture is built to protect. CDZ is offered as the bridge among them.

1.3 The argument of this book

The book advances five interlocking claims, each of which a chapter or part defends.

First, the four-instrument international heritage framework (the Faro Convention, the World Heritage Convention, the Cultural Expressions Convention, and the Culture|2030 Indicators) has each reached the structural ceiling of what its form can accomplish. The instruments do not fail within their proper domains. They have arrived at the limits of those domains, limits the instruments themselves disclose. Article 6(c) of the Faro Convention is the textually clearest of these disclosures: the Convention declines to create enforceable rights, and the implementation of its commitments is delegated to state parties. The disclosure is not a deficiency. It is the precise legal acknowledgment of what a framework convention can accomplish and what it cannot. The book reads each of the four instruments to identify, at the level of the instrument's own form, where its protective reach terminates. That is the work of Part I.

This selection does not deny the importance of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, which is central to any account of community-based heritage practice. The 2003 Convention operates primarily through inventorying, safeguarding, and transmission mechanisms; this book's narrower

framework selects instruments that expose the governance-architecture problem of participation rights, institutional authority, policy space, and measurement. The 2003 Convention therefore remains part of the wider diagnostic field, but not one of the four instruments through which this volume builds its institutional-governance sequence.

Second, the level at which the four instruments terminate is the same level: the organizational level at which heritage communities exercise their stewardship. The terminus is not coincidental. International instruments operate through state parties and intergovernmental processes. They can recognize, protect, defend, and measure. They cannot, by their nature, enter the individual organization and govern its constitutional-choice terms. The convergence of the four instruments at the same terminus is the structural feature on which the book's argument turns.

Third, the gap between the international framework's recognition and the institution's governance is not a gap that can be closed by reforming the existing instruments, expanding their scope, or improving their implementation practice. The gap is structural to the form of the instruments themselves. It is most likely to be closed by governance architecture at the institutional level, in the institution's own constituting instrument. The architecture must operate at what constitutional-choice theory names the constitutional level (the level at which the institution's purpose, asset arrangements, and accountability relationships are entrenched against operational drift) rather than at the operational-rule level, where pressures to drift are accommodated through small accumulated adjustments. This analytical claim distinguishes the book's account of governance from accounts that locate the work at the operational level. The argument is developed in Part II.

Fourth, the architectural form the gap requires is specifiable. It can be expressed as seven constitutional-choice principles, each of which is generated through the elimination of a rival hypothesis the empirical record raises. The form is not a new legal entity. It is a constitutional-choice template that uses existing entity forms more deliberately than current practice does. Its portability across common-law, civil-law, and mixed legal traditions is the feature that allows it to function as the operational layer the international framework has invited. This is the work of Part III.

Fifth, the moment at which the architecture is offered is not coincidental. The MONDIACULT 2025 Outcome Document's reaffirmation of culture as a global public good, together with the post-2030 development agenda emerging in the wake of the Sustainable Development Goals' first cycle, creates a policy moment in which governance architectures of the type CDZ proposes may find institutional uptake more rapidly than the preceding two decades would have suggested. The book closes by tracing the multilateral pathway through which the form can move from scholarly proposal to UNESCO Recommendation to national adaptation to organizational adoption, a four-stage uptake the book treats as plausible rather than guaranteed, dependent on conditions the book identifies and pressures the book names. The horizon is the work of Part IV.

The five claims are offered as a single argument. They depend on one another. The diagnosis of the international framework's terminus depends on the constitutional-choice analysis of why operational-level reform cannot hold. The specification of the seven principles depends on the diagnosis of where the framework has invited the architectural answer. The portability claim depends on the principles' specification at the level of function rather than legal form. The horizon depends on the rest. The book is structured to make each step legible to the reader at the moment it is required.

1.4 Method and sources

The book proceeds through three methods, applied in different chapters to different ends. The first is comparative legal and textual analysis of the four international instruments and their authoritative interpretive documents, supplied in Chapters 2 through 4. The second is the comparative empirical case study, conducted across four community-based cultural organizations in four legal systems, using the Dominican *disputatio* as the structured rival-hypothesis-elimination protocol developed in the author's methodological paper (Garsia 2026a). The four-case design follows Yin's replication logic and Eisenhardt's theory-building case-study protocol; the analytical engine integrates Yin's pattern matching, Eisenhardt's theoretical sampling, Bhaskar's critical-realist retroduction, and the Dominican *disputatio*'s adversarial adjudication of rival hypotheses through a structured response (*responsio*) to each rival in its strongest available form. The cases are described in Chapter 8. The third method is the analytical reconstruction of constitutional-choice architecture from the elimination of rival hypotheses across the four cases. This method draws on institutional theory (the work of DiMaggio and Powell on isomorphic pressure, of Cornforth on the limits of board-focused nonprofit governance research, of Ebrahim, Battilana, and Mair on mission drift in hybrid organizations, of Selznick on institutional integrity) and integrates the institutional findings with the four-instrument analysis through the constitutional/operational distinction Vincent and Elinor Ostrom developed for nested rule systems. The seven CDZ principles are the output of this method. Chapter 7 traces the derivation of each principle from the rival hypothesis it eliminates.

Two analytical anchors deserve explicit naming. Elinor Ostrom's *Governing the Commons* (1990) supplies the institutional-design engine: the eight design principles for governing common-pool resources are the analytical precedent on which CDZ's seven constitutional-choice principles stand, with the analogy named explicitly in Chapter 7. Nicholas Wolterstorff's *Justice: Rights and Wrongs* (2008) and *Until Justice and Peace Embrace* (1983) supply the rights-grounding the book's normative claims presuppose: rights as inhering in persons rather than as conferred by state recognition or social contract, and justice as the restoration of *shalom* (right relationship and dwelling-in). Ostrom answers how. Wolterstorff answers why. CDZ is the what: the architectural form that institutionalizes Wolterstorff's why through Ostrom's how. The pairing is the analytical move that distinguishes the book from the diagnostic-only critical heritage studies tradition and from the institutional-design-only commons literature.

The relation between Ostrom's eight design principles and the seven constitutional-choice principles developed in this volume is methodological. Ostrom's principles are themselves the output of a method: the Institutional Analysis and Development framework (E. Ostrom 2005), applied at the constitutional-choice level to the empirical order of successful common-pool resource governance. They are the constitutional-choice findings the framework produces when the resource is subtractable and the chief privation is overuse. The present book runs the same method at the same analytical level on a different matter. The resource is cultural-heritage stewardship within community-based organizations; the chief privation is displacement, the reordering of authorship that follows when a place becomes valuable. Different matter, different case-specific principles. The yield is seven because the method, faithfully applied, produces output proper to its object. Two consequences follow. The vocabulary of constitutional-choice principles in the chapters ahead is inherited language, used in the technical sense the Bloomington School developed. The extension of the design-principles approach to

cultural-heritage stewardship carries Ostrom's research program forward into a case her work invited, ordered by the nature of the problem itself.

The book draws on a substrate of working papers in the author's SSRN series, together with the Hamilton Policy Codex and related Heritage Policies drafting work. These materials constitute the empirical, methodological, and theoretical record on which the integrated argument rests. Their status in this volume requires precision. The CDZ framework supplies the universal architecture and method; Hamilton Policy supplies one demonstration jurisdiction in a federalist, common-law setting. The book integrates and extends the substrate in five directions: the diagnostic literature is treated at greater depth in this chapter and in Chapter 5; the four-instrument analysis is expanded into chapter-length treatments in Part I; the constitutional/operational distinction structures Part II; the seven CDZ principles are developed at full chapter length in Part III; and the multilateral horizon is the subject of Part IV. Readers of the SSRN papers will find the book's spine recognizable; the rest of the book is new.

1.5 Structure of the book

Part I establishes the four-instrument international heritage framework at its limits. Chapter 2 examines the Faro Convention, focusing on the constructed definition of the heritage community in Article 2, the rights affirmed in Articles 4 and 12, and the textually decisive disclaimer in Article 6(c). The chapter closes with the analytical claim that the Convention's normative inversion is reabsorbed at the operational level by the very Authorized Heritage Discourse the Convention sought to displace, unless governance architecture inside the institution holds the inversion. Chapter 3 examines the World Heritage Convention, focusing on outstanding universal value, the Meskell ethnographic record, the Bernecker and Franceschini multilateral-crisis analysis, and the severance of site protection from steward protection. The chapter closes with the claim that the Convention protects the building, but cannot protect the community-building bond. Chapter 4 examines the Cultural Expressions Convention and the Culture|2030 Indicators together, treating them as the policy and measurement registers respectively, and identifies the organizational vacuum each leaves open. Each chapter in Part I closes with the same architectural claim: the instrument has reached the limit of its form at the threshold of the institution, and the work that remains belongs at that level.

Part II develops the governance gap. Chapter 5 examines the Authorized Heritage Discourse and identifies the constitutional/operational distinction as the analytical key to why operational-level reform cannot hold. Chapter 6 develops the institutional-capture and mission-drift literatures, integrates them with the heritage studies diagnostic tradition through the place-practice-mētis triad, and frames the architectural question Part III answers. Part III develops Cultural Development Zones as the governance form: Chapter 7 sets out the seven principles, Chapter 8 reports the four-case comparative empirical record, Chapter 9 demonstrates the form's portability across legal traditions. Part IV develops the policy horizon: Chapter 10 traces the path from MONDIACULT 2025 toward the post-2030 agenda. The Conclusion gathers the threads. The book offers the form not as a complete solution to the governance gap but as a direction: a disciplined attempt to write the architectural answer to a brief the diagnostic literature has been writing for two decades.

1.6 A note on terminology

A handful of terms recur through the book, and a brief note on each will save the reader time.

Heritage community is used in the constructive sense Faro's Article 2 supplies: a group of people who value specific aspects of cultural heritage that they wish, within the framework of public action, to sustain and transmit to future generations. The definition is voluntary rather than territorial or ethnic. The book follows Faro's definition throughout, with the additional analytical specification, drawn from the empirical record, that heritage communities operate through institutions, and that the institutional level is where the right Faro recognizes meets or fails its structural condition.

Constitutional-choice level and operational-rule level are terms drawn from the institutional-analysis tradition, specifically from the constitutional/operational distinction Vincent and Elinor Ostrom developed for the analysis of nested rule systems. Constitutional-choice provisions govern how the institution's foundational commitments (its purpose, its asset arrangements, its accountability relationships, its amendment thresholds) can themselves be changed. Operational-rule provisions govern day-to-day decisions within the constitutional framework. The distinction matters because pressures that produce mission drift accumulate at the operational-rule level, and provisions that protect mission only at that level are amendable under the same pressures that produce the drift. The book's central architectural claim is that mission protection has to be constitutional-choice-level to hold.

Cultural Development Zone is the framework name. The term is used both for the governance template and for an institution that has adopted the template. The seven principles are the template's content. An organization that has incorporated the seven principles into its constituting instrument at the constitutional-choice level is, in the book's usage, a CDZ.

Stewardship is used in the sense the heritage literature has, with increasing care, recovered: the receiving, holding, and transmitting of what one did not invent and cannot alienate. The term has roots in several theological and philosophical traditions; in the heritage studies literature it has secular and pluralistic warrant in its application to communities of practice that bear inherited goods the practices themselves are oriented toward sustaining. Wolterstorff's account of justice as shalom (the restoration of right relationship and dwelling-in) stands behind the term as the book uses it, accessible across confessional lines through Wolterstorff's engagement with mainstream rights theory.

Place and *mētis* recur from Chapter 6 onward. Place is used in the dual temporal-spatial sense Dolff-Bonekämper recovers: the embedding of cultural significance in physical landscape and built environment. *Mētis* is used in James Scott's sense: the practical, relational knowledge a community accumulates through long-term engagement with a place and a practice, the kind of knowledge that cannot be fully codified and that disappears with the community that bears it.

The book proceeds.

PART I

The international framework at its limits

Chapter 2. The Faro Convention and the Heritage Community as Right-Holder

Chapter at a glance: This chapter reads the Faro Convention as a foundational recognition of the heritage community, while showing why its framework form leaves institutional protection to other actors.

2.1 The Council of Europe's constructive move

The Council of Europe Framework Convention on the Value of Cultural Heritage for Society, opened for signature at Faro in October 2005 and entered into force in June 2011, represents the most conceptually ambitious instrument in the international heritage regime. Its ambition lies not in what it protects but in what it recognizes. For the first time in a binding international heritage instrument, the Convention introduced the heritage community as a legal subject with recognized rights, displacing the expert classification scheme from its place at the center of heritage determination and locating that center in the lived practices of the communities themselves. The Convention's drafters worked within a Council of Europe tradition that, since the 1970s, had increasingly integrated cultural heritage into the framework of human rights, but they took a step the prior instruments had not. They named the community.

The naming was a reversal. Authorized Heritage Discourse, in Smith's analytical specification, operates by privileging expert authority over community valuation: heritage is what the experts certify, the state legitimizes, and the conservation regime materially protects. The community whose lived practice constitutes heritage as an ongoing cultural process is, on this scheme, an audience rather than an author. Faro inverts the scheme. Article 2's constructive definition of the heritage community as a group of people who value specific aspects of cultural heritage that they wish to sustain and transmit positions the community as the determining subject; the expert classification scheme is reframed as instrumental to the community's constituting purpose rather than as authoritative over it.

The reversal is the Convention's contribution. It is also the Convention's problem. A normative inversion at the international level does not, by itself, hold the operational reality. Without governance architecture inside the institutions through which heritage communities exercise their stewardship, the inversion is reabsorbed by the very discursive structures it sought to displace, a problem Chapter 5 develops in detail.

Fojut, writing for the Council of Europe's 2009 commemorative volume *Heritage and Beyond*, traced the Convention's philosophical, political, and pragmatic roots. The drafters intentionally designed the Convention to begin with the question of why heritage matters to living people before addressing how it should be preserved. That sequence carries a governance implication: purpose must precede and govern structure, or the structure will serve purposes other than those for which it was built. The Convention places purpose at the front. The structural work that follows from that placement is what the Convention does not, and as a framework instrument cannot, perform itself.

2.2 Article 2 and the constructed definition of heritage community

Article 2(b) defines the heritage community as consisting of people who value specific aspects of cultural heritage which they wish, within the framework of public action, to sustain and transmit to future generations. The definition is constructed and voluntary rather than ethnic or territorial. Heritage communities, on Faro's

account, are constituted through a shared act of valuation: people choose to identify with and protect specific cultural resources. The voluntary character makes them inherently democratic. It also leaves them organizationally exposed.

Lauso Zagato's analysis of the Faro Convention demonstrated that the Convention's innovation lies precisely in this constructed character. Whereas traditional community definitions rest on shared territory, ethnicity, or historical continuity, the heritage community is constituted through practice. Zagato traced the consequences: the Convention names a subject whose membership is fluid, whose boundaries are constituted by the practice of valuation rather than by census or treaty, and whose protection is conditional on the framework of public action within which the valuation is exercised. A community constituted through practice possesses no structural protection for that practice unless governance architecture supplies it. The Convention names the subject; it does not specify the architecture.

Giliberto and Labadi, writing in the *International Journal of Heritage Studies* in 2022, documented how participatory provisions in international heritage instruments frequently fail to operationalize at the local level absent national implementing legislation and, crucially, organizational governance mechanisms within the heritage institutions themselves. Their analysis, drawing on three internationally funded heritage projects in MENA countries, established that the gap between participatory language at the international level and participatory practice at the institutional level is not occasional but structural. The Convention names a subject whose protection it cannot itself secure.

The constructed definition is, on the present book's reading, the Convention's decisive move and its decisive limitation in the same gesture. The heritage community as Faro names it is the subject the rest of this book is concerned with: the community whose stewardship the international framework invites us to protect, but which the international framework cannot itself reach. Wolterstorff's account of inherent rights supplies the normative grounding the Convention presupposes. Heritage communities have rights to retain authorship of their own cultural practice not because the Convention confers those rights but because rights of this kind inhere in persons by virtue of the goods their practices are oriented toward sustaining. The Convention recognizes the rights; it does not confer them. The architectural work that follows from recognition is the work this book takes up.

2.3 Articles 4 and 12: rights and participation

Article 4 affirms the right of everyone to benefit from cultural heritage and to contribute toward its enrichment. The phrasing is significant. The right is not merely a right of access. It is a right to participate, to contribute toward enrichment, which positions the rights-holder as a productive agent in the heritage process rather than as a passive recipient of expert determinations. Article 12 extends the participatory frame to the operational level: state parties undertake to encourage everyone to participate in the identification, study, interpretation, protection, conservation, and presentation of cultural heritage, and to consider the value each heritage community attaches to the heritage with which it identifies. Together, Articles 4 and 12 establish the participatory architecture the Convention asks state parties to honor.

The architecture is, on the Convention's own terms, suggestive rather than prescriptive. State parties are asked to take steps; the steps are not specified. The Convention's framework character (a feature it shares with several Council of Europe instruments) is the legal form through which it operates. It articulates principles,

normative commitments, and directional mandates; it does not impose specific institutional arrangements. The framework form is not a defect. It is the form Council of Europe Conventions adopt when the subject matter is one on which member states differ in starting position and the goal is to articulate common direction without imposing common detail.

The framework form has a consequence the present book's argument turns on. The participatory rights Articles 4 and 12 articulate become operationally meaningful at the level of the heritage organization through which heritage communities exercise them, the museum, the trust, the cooperative, the foundation, the cultural-religious institution, the community land company. At that level, the participatory rights either find structural expression in the institution's constituting instrument or they do not. If they do, the rights are durable; if they do not, the rights are aspirational and, under sufficient pressure, displaceable. The Convention names the rights and asks state parties to encourage their realization. It does not, and cannot, enter the institution and govern the level at which the rights are made structurally durable. That work belongs at the institutional constitutional-choice level the book's seven principles are designed for.

2.4 Article 6(c): the honest disclaimer

Article 6(c) of the Convention states, with disarming clarity, that no provision of the Convention shall be interpreted so as to create enforceable rights. The Explanatory Report adopted by the Committee of Ministers in 2005 confirms the disclaimer's reach: the Convention's implementation requires subsequent legislative action by state parties; the Convention itself does not establish the cause of action through which a heritage community could vindicate, in court, the rights it recognizes. Article 6(c) is the textually clearest of the four instruments' structural disclosures examined in Part I.

The disclaimer has, on a casual reading, the appearance of a deficiency. On the book's reading it is something else: the precise legal acknowledgment of what a framework convention can accomplish and what it cannot. A framework convention can establish the normative foundation, articulate the directional mandate, and invite the legislative and organizational work through which the foundation becomes operative. It cannot itself perform that work. The disclaimer is the Convention's honest declaration of where its form ends. Reading the disclaimer as a deficiency confuses the Convention's genre with the work the genre invites others to take up.

The implication for the book's argument is direct. The Convention's normative achievement (the recognition of the heritage community as right-holder, the affirmation of participatory rights, the constructive definition of the community itself) stops at Article 6(c)'s threshold. Beyond that threshold, two kinds of work are necessary. The first is national implementing legislation: state parties translating the Convention's commitments into domestic legal frameworks, statutory protections, and regulatory regimes. Twenty years after the Convention's adoption, this work has progressed unevenly, with twenty Council of Europe member states having ratified and seven others having signed, and with implementation quality varying widely across them. The second, the work this book takes up, is governance architecture inside the heritage organizations through which heritage communities exercise the participatory rights the Convention names. This second kind of work is not what state parties produce through implementing legislation, even when the legislation is well-drafted. It is what heritage organizations produce in their own constituting instruments. It is the work CDZ proposes to make specifiable.

2.5 Twenty years of implementation

The Convention's implementation record across two decades is itself instructive on the gap the present book addresses. As of mid-2025, the Convention has been ratified by twenty Council of Europe member states and signed by seven others. Its normative authority is established. Its operational reach into the organizations that constitute heritage communities is, by the Convention's own design, conditional on subsequent state action. Where state parties have moved from ratification to operational implementation, that implementation has tended to operate at the level of state cultural policy rather than at the level of the heritage organization. National cultural ministries have updated their participatory frameworks; state heritage agencies have integrated community-consultation protocols into their operational procedures; some state parties have produced national strategies for the implementation of the Convention's principles.

The Convention's normative inversion is recognized politically. It remains incomplete operationally precisely where the organizations that animate heritage communities require it to be most concrete.

The recently completed Faro Action Plan, conducted by the Council of Europe in cooperation with the European Union, illustrates the pattern. The Action Plan organized member-state participation in the Convention's framework around showcase projects designed to demonstrate the Convention's operational potential. The projects produced valuable case material on community-led heritage initiatives. The case material is reported at the level of the project, the cultural ministry, and the local heritage authority. It is reported less consistently at the level of the institution's constituting instrument, at the level, that is, where the participatory architecture either becomes structurally durable or is left to operate at the discretion of whoever holds operational authority in any given period. The pattern is not a failure of the Action Plan or of the participating member states. It is the structural pattern the framework form produces. State action operates at the state level. The institutional level is reached, when it is reached, by the institutions themselves.

Two examples are illustrative without being comprehensive. Italy's 2020 ratification of the Convention was followed by guidance documents from the Ministry of Culture establishing a participatory framework for state heritage authorities; the framework operates at the level of state-administered sites and museums and does not, by its own scope, address the constituting instruments of the cultural foundations and associations through which much Italian community heritage is held. Portugal's 2008 ratification produced a similar pattern, with a national heritage strategy that integrates participatory principles at the policy level but does not specify the organizational governance arrangements through which community participation becomes structurally durable. The pattern is not that state parties have failed to implement Faro. It is that the form of state-party implementation cannot, by itself, reach the institutional level where participatory rights are made enforceable in practice.

2.6 What Faro establishes; what it cannot reach

The Convention's contribution to the international heritage regime is foundational. It introduces the heritage community as legal subject; it affirms the right to participate; it inverts the AHD's expert-driven scheme at the normative level; it places the values question, why heritage matters to living people, at the front of the heritage law conversation. None of these contributions is small, and none is reversible. The Convention's twenty-year

implementation record demonstrates that the normative inversion has held politically across diverse state-party contexts, even where operational implementation has lagged.

What the Convention cannot reach is the level at which the inversion either holds or is undone in practice: the level of the heritage organization's constituting instrument. Article 6(c) is the textual marker of the limit. Twenty years of implementation experience is the empirical confirmation. The participatory rights Articles 4 and 12 articulate are made structurally durable, when they are made structurally durable, at the institutional level. They are made structurally fragile when they are not. The asymmetry between durability and fragility is governed by the institution's own constitutional-choice provisions, by whether mission, asset arrangements, and accountability relationships are entrenched at the constitutional-choice level (and amendable only at that level) or are held at the operational-rule level (and amendable through the routine processes through which operational decisions accumulate). The Convention asks state parties to encourage participation. It does not, and cannot, establish the constitutional-choice provisions through which participation becomes structurally durable in the institution that holds it.

The architectural work the Convention invites is what Cultural Development Zones is designed to specify. The seven principles developed in Chapter 7 are not a substitute for the Convention. They are the operational layer the Convention invited but explicitly declined to perform. Where the Convention declares the right of heritage communities to govern their own cultural resources, CDZ's Formalized Community Accountability principle proposes the constitutional-choice provisions that operationalize that right institutionally. Where the Convention recognizes the spatial and practical embeddedness of heritage that Dolff-Bonekämper traced, CDZ's Structural Market Buffer and Mission Codification Architecture principles propose the governance protections through which the bond between stewardship community and physical site is held against asset-leverage capture. Where the Convention's normative inversion is, in Article 6(c)'s honest disclaimer, declared to require subsequent legislative and organizational work, CDZ is one disciplined attempt at that organizational work. The chapter that follows turns to the World Heritage Convention and to the parallel question of how an instrument oriented toward the protection of physical sites encounters (and cannot, by its form, resolve) the question of the stewardship communities through which those sites become and remain heritage.

Chapter 3. The World Heritage Convention and the Severance of Site from Steward

Chapter at a glance: This chapter distinguishes protection of physical sites from protection of stewardship communities and explains why the World Heritage framework needs a complementary institutional layer.

3.1 The 1972 Convention and its material mandate

The UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, adopted in 1972 and now ratified by 196 State Parties, is the foundational instrument of the modern international heritage regime. Its scope is global. Its mandate is material. Its mechanism is intergovernmental. It establishes obligations for state parties concerning the identification, protection, and transmission of sites of outstanding universal value; it creates the World Heritage List as the catalog of sites recognized under the Convention; it establishes the World Heritage Committee as the intergovernmental body that adjudicates inscriptions; and it mobilizes conservation resources through the World Heritage Fund and through partnerships with the Convention's advisory bodies (ICOMOS, IUCN, ICCROM). The contribution is genuine and irreplaceable. The physical heritage the Convention protects supplies the spatial foundation within which heritage communities exercise their stewardship.

The Convention's material orientation is the source of its strength and the source of its limitation. The Convention's mechanisms are calibrated for the protection of physical fabric: the building, the monument, the site, the ensemble, the cultural landscape. State parties take on obligations for the conservation of inscribed properties; the Committee monitors compliance; the advisory bodies provide technical assessment; the Fund supports conservation work. The framework is intelligible, structured, and operationally mature. It is not, however, calibrated for the protection of the stewardship communities through which inscribed sites become and remain heritage. The Convention protects the physical site. It does not, and by its form cannot, enter the institutional governance of the communities that animate it.

A site inscribed on the World Heritage List may lose its stewardship community through institutional capture while its inscription remains formally intact. The Convention's reactive monitoring procedures (the List of World Heritage in Danger, the State of Conservation reports, the periodic reporting cycle) are designed to detect physical deterioration and management failures at the site level. They are not designed, and cannot reach, the constitutional-choice provisions of the institutions that hold the site's stewardship. The Convention operates faithfully within its mandate and reaches the limit of that mandate at precisely the level at which the community-site relationship is sustained or severed.

3.2 Outstanding Universal Value: promise and critique

The criterion of outstanding universal value (OUV), adopted in Article 1 of the Convention and refined through the Operational Guidelines across successive revisions, is the analytical instrument through which the Convention identifies what may be inscribed. The criterion has been the subject of sustained critical analysis. Sophia Labadi's 2013 study, drawing on her years at the UNESCO World Heritage Centre and on extensive comparative case work, established that OUV, despite its appearance of universality, has historically privileged

European and monumental forms of heritage and excluded community-based, vernacular, and non-Western heritage traditions. Labadi's analysis is not that OUV is corrupt. It is that OUV operates within a value framework whose universality is, on inspection, less universal than the criterion's name suggests.

The critique is not external to the Convention's history. UNESCO's own Global Strategy for a Representative, Balanced and Credible World Heritage List, adopted in 1994 in response to the overrepresentation of European and monumental sites on the List, is itself a recognition that OUV had operated, for the Convention's first quarter-century, in a manner that produced a representational asymmetry the Convention's drafters had not intended and had not anticipated. The Global Strategy's subsequent record (modest in some categories, more substantial in others) demonstrates that OUV is amendable in operational practice even as the criterion remains formally constant in the Convention's text. What the operational record cannot do is reach below the level of the inscribed property and into the institutional governance of the communities through which the property's value is sustained.

OUV's structural limitation is the same limitation Faro's Article 6(c) discloses. The criterion can identify what should be protected; it cannot, by itself, reach the level at which protection becomes structurally durable. A site inscribed under criterion (vi) of OUV (directly or tangibly associated with events or living traditions, with ideas, or with beliefs of outstanding universal significance) carries, at the moment of inscription, a recognized link between physical fabric and the cultural significance the community animates. The link is recognized. It is not, and cannot be by the form of the Convention itself, structurally protected at the institutional level. If the community whose practice constitutes the link is displaced (by capture, by mission drift, by institutional reorganization that severs the operating community from the site) the inscription may continue while the heritage the inscription named is, in any meaningful sense, ending.

3.3 Meskell on World Heritage Committee capture

Lynn Meskell's *A Future in Ruins*, published by Oxford University Press in 2018, is the principal ethnographic study of UNESCO World Heritage Committee deliberations. Drawing on multi-year participant observation across multiple Committee sessions, Meskell documents the political dynamics through which state parties and geopolitical coalitions reshape nomination, inscription, and monitoring processes in ways that frequently disadvantage the communities the Convention was designed to serve. The ethnography is not a polemic; it is, in Meskell's own characterization, an account of the slow erosion of the Convention's founding cosmopolitan ambition through the cumulative effect of state-party processes that operate by their own institutional logic.

The patterns Meskell documents are several. State parties exchange votes across nominations, producing inscription patterns that reflect coalition dynamics rather than the substantive merits of individual nominations. Advisory body recommendations are routinely overruled by the Committee on political grounds, with the proportion of overruled recommendations rising across the period of Meskell's observation. The reactive monitoring procedure, designed as the Convention's primary instrument for addressing threats to inscribed properties, has become, in Meskell's account, a venue for state-party negotiation in which the threatened property's communities are largely absent from the deliberations that determine its fate. The patterns are not occasional and are not attributable to the failures of individual state parties or Committee members. They are structural to the form through which the Convention operates.

Meskele's analysis matters for the present argument because it establishes, with empirical specificity, that the intergovernmental mechanism through which the Convention operates produces its own institutional effects, effects that, on the patterns Meskele documents, terminate at the same threshold the four-instrument analysis identifies as the Convention's structural limit. The Committee deliberates at the state-party level. The advisory bodies advise at the technical level. The reactive monitoring procedure operates at the property level. None of these mechanisms enters the institutional governance of the stewardship communities through which inscribed properties become and remain heritage. Meskele's ethnography is, on the present book's reading, the empirical confirmation of the structural diagnosis the four-instrument analysis develops at the textual level.

3.4 Bernecker and Franceschini on the multilateral crisis

Bernecker and Franceschini, writing for the fiftieth-anniversary Springer volume on the World Heritage Convention edited by Albert, Bernecker, Cave, Prodan, and Ripp, situate Meskele's diagnosis within the broader weakening of multilateralism itself. Their chapter, "UNESCO's World Heritage Convention and Global Governance," argues that the Convention is increasingly treated by state parties as a proxy for unilateral political profit rather than as a framework for shared responsibility, and that the founding narrative of intellectual and moral solidarity is, in consequence, being corrupted. Drawing on Chatham House's 2021 reflections on inclusive global governance and on Weiss and Wilkinson's 2018 analysis of the shift from multilateralism to global governance, Bernecker and Franceschini identify the corrective the Convention requires: greater inclusivity of non-state actors and the effective delivery of governance outcomes to citizens and communities.

The diagnosis is unusually direct for the Springer volume's celebratory frame. The Convention's founding cosmopolitan ambition has been, on Bernecker and Franceschini's reading, structurally hollowed by the very state-party processes through which it operates. The remedy they propose is not a renegotiation of the Convention but a reconfiguration of its operational practice toward the actors whose governance work the Convention's founding narrative presupposed. The reconfiguration requires that non-state actors (the communities, organizations, and civil-society bodies through which heritage is actually held) acquire the structural standing through which the Convention's commitments become operative for them. The reconfiguration is not a matter of administrative practice alone. It requires institutional architecture inside the non-state actors that the multilateral framework proposes to include.

The critical insight for the present argument is that Bernecker and Franceschini name the jurisdictional level at which heritage communities actually reside (below state parties, above individual sites, where lived stewardship occurs) but do not themselves specify the organizational architecture through which inclusivity becomes structurally operative at that level. Their critique opens the question Cultural Development Zones is proposed to address. CDZ is offered as the architecture their diagnosis requires: the governance form through which the global-governance turn the critical heritage literature calls for becomes institutionally enforceable, not only as a reorientation of intergovernmental practice but as a structural protection inside the organizations that animate the sites the Convention inscribes. Bernecker and Franceschini name the corrective; CDZ specifies one operational form of the corrective at the institutional level the corrective requires.

3.5 Sites without communities: the empty monument

Gabi Dolff-Bonekämper, in her 2009 essay on the spatial and temporal frameworks of heritage, demonstrated that heritage is not only temporal but spatial, embedded in the physical landscapes and built environments where communities live and work. The displacement of a stewardship community from the built environment it has animated does not merely deprive individual community members of a place. It evacuates the very relational and practical knowledge (what James Scott in *Seeing Like a State* termed *mētis*) through which the site's cultural significance is reproduced across time. *Mētis* is the practical wisdom of long engagement with a particular place and a particular practice. It is held in the bodies and the working memory of the community that bears it. It is not, in any complete sense, codifiable. When the community that bears it is dispersed, *mētis* disappears with it.

A protected building without its stewardship community is not heritage preserved. It is a monument to a heritage that is ending. The phrase is not rhetorical. It is the empirically observable pattern across multiple inscribed properties whose stewardship communities have been displaced or hollowed: the physical fabric remains; the *mētis* through which the fabric was meaningful does not. Visitors to such properties experience them, often, as beautiful, dignified, and inert. The aesthetic register of the site is intact. The cultural register (the dimension through which the site continues to mean what it was inscribed for meaning) is gone. The Convention has done its work; it has protected the building. It cannot, by its form, do the further work the stewardship community was doing when the inscription named the site as heritage.

The structural feature this exposes is the severance of site protection from steward protection. The two are not the same. Site protection is calibrated for physical fabric, hazardous material, encroachment, decay, fire, war. Steward protection is calibrated for institutional integrity, mission durability, asset arrangements, leadership transitions, capture pressure. The two are mutually presupposing in practice (a site without stewards becomes a monument; stewards without a site become a tradition without a place) but they are protected, when they are protected, by different instruments operating at different levels. The Convention is the instrument of site protection. CDZ is offered as the instrument of steward protection. The two are companion architectures rather than competitors. The Convention protects what stewards have built; CDZ protects the stewards through whose work the building remains heritage.

3.6 The stewardship bond and the limits of site protection

The stewardship bond (the relationship between a heritage community and the physical fabric the community animates) is the variable on which the Convention's effectiveness ultimately rests, and the variable the Convention cannot itself secure. Where the bond is intact, the Convention's site protections work as designed. Where the bond is severed, the protections continue to operate at the level of physical fabric while the heritage they were designed to protect is, in any meaningful sense, ending. The Convention's reactive monitoring procedure can, and does, register physical deterioration. It cannot register the slow displacement of stewardship that produces deterioration in advance, because the displacement occurs at a level the procedure does not reach.

The book's central architectural claim, developed in Chapter 7 and applied to Chapter 8's empirical record, is that the stewardship bond is held, when it is held, by constitutional-choice provisions in the institution's constituting instrument. CDZ's Structural Market Buffer principle proposes asset-lock and use-restriction mechanisms that prevent the institution's real property from being alienated to uses incompatible with the

community's mission. The principle draws on the operational record of the United Kingdom's Community Interest Company asset-lock framework, established under the Companies (Audit, Investigations and Community Enterprise) Act 2004, and on the parallel record of the United States Community Land Trust movement. The operational lesson from both records is that asset-lock provisions only protect mission when they are codified at the constitutional-choice level rather than at the operational-rule level. Provisions that can be amended by the operating board can be amended away under pressure. Provisions entrenched at the constitutional-choice level require a higher threshold for amendment, and that threshold is the structural protection the Convention cannot itself supply. The Convention protects the building. CDZ is proposed to protect the community-building bond.

The chapter that follows turns to the third and fourth instruments in the four-instrument hierarchy: the Cultural Expressions Convention and the Culture|2030 Indicators. The pattern these two instruments display (a policy register and a measurement register, each calibrated for a level of action above the institution) confirms what the Faro and World Heritage analyses have already shown. The international framework articulates rights, protects sites, defends policy space, and measures cultural contribution. The work the framework cannot perform, and explicitly invites others to take up, is the work this book's seven principles are designed for: the constitutional-choice architecture inside the institution where heritage communities exercise their stewardship.

Chapter 4. The Cultural Expressions Convention, Culture|2030, and the Boundary of National Policy

Chapter at a glance: This chapter treats the Cultural Expressions Convention as the policy-space instrument and Culture|2030 as the measurement instrument, then identifies the organizational conditions neither one currently measures directly.

4.1 The 2005 Convention and the refusal of cultural commodification

The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted at the 33rd General Conference in October 2005 and entered into force in March 2007, is the international heritage regime's most direct engagement with the question of cultural diversity in an age of globalized cultural markets. Its drafting context, in the immediate aftermath of contested cultural-trade debates at the World Trade Organization and within UNESCO's own deliberative bodies, gave the Convention a posture toward the marketization of culture that distinguishes it sharply from the World Heritage Convention's site-protection mandate. The 2005 Convention affirms the right of nations to maintain cultural policies that protect diverse forms of cultural expression. It recognizes the dual nature of cultural goods and services, which carry both economic value and cultural meaning that market forces alone cannot sustain. It rejects, in its founding architecture, the treatment of culture as ordinary tradeable commodity.

The rejection is the Convention's contribution to the international heritage regime. Smith's Authorized Heritage Discourse, in its contemporary form, operates substantially through marketization logic: the cultural sector treated as a sub-domain of the creative industries, the heritage organization treated as a service provider to tourism and consumption markets, the heritage community's lived practice treated as content to be packaged for external audiences. The 2005 Convention pushes back against this logic at the level of national cultural policy. State parties retain the right to subsidize cultural production, to maintain quotas and content rules in broadcast media, to support institutions whose work the unrestricted market would not sustain, to defend cultural diversity against the homogenizing pressures of global markets. The Convention's policy register is the level at which these defenses operate.

The level is necessary and insufficient in the same gesture. Necessary, because without the policy-level protection state parties retain under the Convention, the structural pressures toward cultural commodification operate unchecked at the institutional level downstream. Insufficient, because policy-level protection cannot itself enter the institutions through which cultural diversity is actually produced and sustained. The Convention defends the space within which cultural diversity may operate. It does not, by its form, govern the institutions that operate within that space.

4.2 The policy space and the organizational vacuum

Between the national policy declaration and the individual heritage organization whose community requires structural protection, there is a gap in jurisdiction. National cultural policy can defend the policy space; it cannot enter the organization and determine how the space is governed within. The gap is not a defect of the Convention's drafting; it is a structural feature of the Convention's register. The 2005 Convention is calibrated

for state-party action at the national policy level; the institutions operating within the protected policy space are, by the Convention's own scope, beyond its reach.

Harrison's 2013 dialogical heritage framework supplies the analytical vocabulary for what is at stake in the gap. Cultural diversity, on Harrison's account, requires not only the preservation of diverse expressions but the governance conditions under which diverse communities retain authorship of their own cultural practice. A cultural expression that persists in name while its authoring community is displaced is not diversity preserved. It is cultural content repurposed. The 2005 Convention recognizes the state's role in defending the policy space for authentic authorship. It cannot, by its form, defend the organizations through which authorship is exercised.

The Convention's implementation record across nearly two decades confirms the structural diagnosis. State parties have used the Convention's policy space to maintain content quotas, to sustain public broadcasting, to subsidize national film and music sectors, to support cultural institutions whose continued operation the unrestricted market would not have sustained. The Convention's annual reporting cycles document these state-level interventions in considerable detail. The reports also document, although less consistently, the institutional failures that occur within the protected policy space, the cultural organizations that have closed, captured, or drifted from mission despite operating in well-protected national policy environments. The pattern is the same one Faro's implementation record discloses. State-level protection holds at its level. Institutional-level protection requires architecture at the institutional level.

CDZ's Mission Distinctiveness Protection principle, developed in detail in Chapter 7, operationalizes this connection at the level of the individual institution. The principle identifies and statutorily entrenches the institution's distinctive cultural mission within its constitutional document, prevents that mission from being silently reframed under fiscal or governance pressure, and makes any substantive change to the mission a constitutional-choice question rather than an operational decision. The drift through which mission is replaced rather than abandoned is, on the empirical record the framework has examined, the most common single failure mode for community-based cultural and religious organizations. Provisions that name the mission, entrench it, and require constitutional-level amendment to change it do not eliminate the pressures that produce mission drift, but they relocate those pressures from the operational register, where they can be accommodated through small accumulated adjustments, to the constitutional register, where they must be deliberated openly and accepted by a higher threshold of the constituting community. The 2005 Convention defends the policy space; CDZ proposes to defend the institutions through which the policy space's commitments become operative for the cultural diversity the Convention exists to protect.

4.3 Culture|2030 and the indicator logic

The UNESCO Culture|2030 Indicators framework, adopted by UNESCO in 2019, is the international heritage regime's most ambitious attempt to integrate cultural contribution into the post-2015 development architecture established by the Sustainable Development Goals. The framework operates at the measurement register, supplying voluntary thematic indicators that state parties and other implementing bodies can use to assess and report culture's contribution to sustainable development across economic, social, environmental, educational, and governance dimensions. The framework's indicator 11.4 addresses the protection and safeguarding of the world's cultural and natural heritage, mapping directly to SDG 11.4. Other indicators address cultural

employment, cultural participation, the cultural and creative industries, governance of culture, and several further dimensions.

The framework's contribution is significant. By integrating cultural contribution into the SDG monitoring architecture, Culture|2030 supplies the measurement register through which the cultural sector can be made legible to the development agenda, to ministries of finance, to international development banks, to the UN system's SDG-monitoring bodies. The 2022 MONDIACULT Declaration's framing of culture as a global public good, reaffirmed and operationalized in the 2025 MONDIACULT Outcome Document, depends on Culture|2030's measurement architecture for its operational legibility. Without indicators, culture remains advocated as important; with indicators, it becomes measurable as contributing to outcomes the development agenda already values.

The framework's structural limitation, on the present book's reading, is the same limitation that runs through the four-instrument hierarchy. Culture|2030 measures cultural output. It does not yet measure the organizational governance conditions under which that output is sustained. Heritage communities whose governance structures are captured will eventually cease to generate the cultural outputs the framework tracks. A measurement system that records output without recording the governance resilience that produces output is a system that will register the disappearance of cultural production only after the structural conditions for that production have already been destroyed. By the time the indicator records the loss, the architecture that could have prevented it is gone.

4.4 Output without resilience: the lagging measurement problem

The lagging-measurement problem is not unique to Culture|2030. It is a general feature of indicator frameworks calibrated for output rather than for structural resilience. The economic and development-statistics literatures have grappled with the problem for decades; the response, in mature indicator systems, has typically been the development of leading indicators alongside lagging ones, indicators that register the structural conditions producing output before the output itself rises or falls. Culture|2030 has not yet developed leading indicators of governance resilience for the institutions through which cultural output is produced. The development would not be exotic. Each of the indicators below could be assessed through documentary review of the institution's constituting instrument and its operational record.

Four governance-resilience indicators would extend Culture|2030's architecture in the direction the present argument supports. The first is the constitutional-choice level entrenchment of the institution's mission: whether the founding mission is statutorily codified in the institution's primary governing instrument, what amendment threshold applies to substantive change, and whether the threshold has been tested under documented pressure events. The second is the formal accountability of the institution to its constituent community: whether the community has structural standing in the institution's governance, what dispute-resolution mechanisms recognize the community as a party in interest, and how the community-institution relationship is reported and audited. The third is the persistence of mission across leadership transitions: whether the institution has survived at least one founder transition, two complete board cycles, and one external pressure event with mission integrity intact. The fourth is institutional response to documented pressure events: funding crises, founder departures, mergers, acquisitions, and similar inflection points, with the institutional response evaluated against the constitutional-choice provisions in force at the time of the event.

None of the four indicators is exotic. Each can be assessed through documentary review. Together, they would supply the leading-indicator dimension Culture|2030 has not yet developed. The Culture|2030 framework would be extended; CDZ's seven principles supply the governance-architecture content the indicators measure. Winter's 2013 call for constructive critical heritage studies argued that the field must offer constructive alternatives, not only diagnostic critique. The extension of Culture|2030 to include governance-resilience indicators is precisely such a constructive move. It takes the existing measurement architecture seriously as a genuine contribution and proposes the dimension it has not yet developed.

4.5 What the two instruments reach; what they leave open

Together, the 2005 Cultural Expressions Convention and the 2019 Culture|2030 Indicators frame the policy and measurement registers of the international heritage regime. The Convention defends the policy space within which cultural diversity may be sustained against marketization pressure. The Indicators framework supplies the measurement architecture through which culture's contribution to sustainable development becomes legible to the broader development agenda. Both instruments are, on their own terms, well-designed. Both reach the limits of their forms at the same threshold the four-instrument analysis identifies elsewhere: the institutional level at which heritage communities exercise their stewardship.

Part I of this book has now traversed the four instruments and identified the structural pattern they share. Faro recognizes the heritage community at the normative level. The World Heritage Convention protects the physical site at the material level. The Cultural Expressions Convention defends the policy space at the national level. Culture|2030 measures cultural contribution at the accountability level. Each instrument is calibrated to what international instruments can accomplish within its respective domain. None provides a dedicated organizational governance mechanism for the heritage communities the four instruments' collective trajectory has, with increasing precision, moved toward. The absence is structural, not accidental. International instruments operate through state parties and intergovernmental processes. They can recognize, protect, defend, and measure. They cannot, by their nature, enter the individual organization and govern its constitutional-choice terms.

This is the governance gap the critical heritage studies literature has identified through different vocabularies across the past two decades. Smith's Authorized Heritage Discourse names the exclusion mechanism. Harrison's dialogical heritage proposes the relational orientation the alternative requires. Winter's constructive turn calls for the building work. Mesckell's ethnography and Bernecker and Franceschini's institutional assessment document why the work cannot be accomplished within the existing intergovernmental architecture alone. Waterton and Watson map the distance between participatory language and participatory practice. Lixinski's 2019 monograph names the diagnosis with greatest precision: the UNESCO heritage treaties, taken together, have prevented local communities from having a say in how their heritage is managed, and the field requires re-imagination at a level the treaties cannot themselves reach. The literature converges on a single observation: the organizational level is where the recognized right meets or fails its structural condition. It is also the level at which the international framework has explicitly declined to operate. Cultural Development Zones is offered as the governance architecture for that level. Part II turns to why operational-level reform cannot hold and why constitutional-choice architecture is what the gap requires.

PART II

The governance gap

Chapter 5. Authorized Heritage Discourse and the Constitutional-Operational Distinction

Chapter at a glance: This chapter explains why participatory language can be reabsorbed by ordinary institutional governance unless mission, assets, and accountability are anchored at the constitutional-choice level.

5.1 Smith's diagnosis revisited

Laurajane Smith's 2006 identification of the Authorized Heritage Discourse remains the most precise diagnostic in critical heritage studies because it named, with analytical specificity, the mechanism through which heritage has historically been determined: experts certify, states legitimize, and conservation regimes materially protect, while the communities whose lived practices constitute heritage as an ongoing cultural process are positioned as audiences rather than authors. The AHD is not a conspiracy. It is a discourse, a set of communicative practices, professional norms, institutional arrangements, and shared assumptions through which the heritage field has structured the determination of what counts as heritage and who counts in determining it. Once named, the AHD becomes visible across the heritage regime's operations: in nomination processes, in conservation decisions, in interpretive choices, in the structure of professional credentialing, in the architecture of museums and visitor experience, in the language of policy documents.

The AHD's persistence is what makes Smith's framework durable. The diagnostic does not lose force as the international heritage regime updates its participatory language. Faro inverts the AHD at the normative level. Harrison's dialogical heritage proposes the relational orientation the inversion requires. Winter's constructive turn calls for the building work that follows. Yet, as Waterton and Watson documented and as Giliberto and Labadi extended, the gap between participatory heritage language at the international level and participatory heritage practice at the institutional level has not closed in the years since Smith named the discourse. The discourse persists. The naming has not undone it. Why?

5.2 The reabsorption problem: why Faro's inversion inverts back

The answer the present book proposes is that the AHD persists at a level the normative inversion cannot reach. Faro, the Cultural Expressions Convention, and the broader Council of Europe and UNESCO frameworks operate at the level of state parties and international policy. The AHD operates at the level of professional credentialing, institutional governance, and the daily operational decisions through which heritage organizations determine what they preserve, how they interpret it, and whose voice counts in the determination. The two levels are connected but not identical. Inverting the AHD at the normative level does not, by itself, invert it at the operational level. Without architecture inside the institution, the operational AHD reabsorbs the normative inversion through three mechanisms the empirical record discloses with regularity.

The first is trustee composition. Heritage organizations across the regime are governed, typically, by boards of trustees whose composition skews toward the credentialed professional classes whose expert authority the AHD privileges. The composition is not always intentional; it follows from the recruitment patterns and social networks through which trustee positions are filled. The composition is consequential. A board whose members are drawn predominantly from the professional heritage class will, on average, make heritage determinations

that reflect that class's shared assumptions about what heritage is and how it should be managed. The community whose lived practice constitutes the heritage may have nominal representation but rarely possesses the structural standing to overrule the professional consensus. The Faro inversion is, at the trustee level, an aspiration the operational arrangements do not realize.

The second is professional advisory dominance. Heritage organizations operate within professional advisory ecosystems (architects, curators, conservators, archaeologists, accountants, lawyers, fundraisers) whose advice is, in the operational rhythm of the organization, structurally privileged over community voice. The privilege is not corrupt. It reflects the legitimate expertise the professionals bring and the genuine usefulness of their advice. The privilege becomes a problem when, over the course of accumulated decisions, professional advice consistently displaces community valuation in determining what the organization does and why. The AHD operates here through aggregation: each individual decision in which professional advice prevails over community valuation is, in isolation, defensible; the cumulative pattern is the operational AHD reproducing itself within an organization whose normative commitments may be fully aligned with the Faro inversion.

The third is operational drift. Mission becomes, over time, whatever the most credentialed voices in the room agree it is. The drift is not announced; no governance body acknowledges it as a change of mission. It accumulates through small operational accommodations to fiscal pressure, professional advice, donor preference, partnership opportunity, regulatory compliance, and the routine processes through which operational decisions are made. The institution's self-description, for purposes of communication and reporting, may continue to reference the founding mission long after the operational commitments have shifted in directions the founding community would not recognize. The Convention's recognition of the heritage community's right to retain authorship of its own cultural practice is, at the operational level, eroded by the same dynamics that operate in any organization across the cultural sector. The dynamics are not unique to heritage organizations; they are the dynamics the institutional-theory tradition has documented for decades. They are, however, unanswered by the international framework's normative inversion alone.

Reabsorption is the analytical name for what happens when normative inversion is not held by architectural inversion at the institutional level. The AHD, displaced from the international register, returns at the institutional level through trustee composition, professional advisory dominance, and operational drift. The Faro inversion is, on this account, structurally fragile not because the Convention is poorly drafted but because the Convention's level of operation is not the level at which the AHD does its operational work. The work of holding the inversion belongs at the institutional level. It is, by the Convention's own design, work the Convention itself does not perform.

Two further analytical apparatuses sharpen the diagnosis the Ostromian framework supports. Meyer and Rowan's 1977 account of formal organizational structure as institutionalized myth identifies three mechanisms by which apparently protective governance forms become hollow: decoupling, in which formal structures are maintained as ceremonial facades while actual governance operates elsewhere; isomorphic conformity to field-level expectations, which eliminates the structural distinctiveness through which a community-based organization might otherwise resist environmental pressure; and the logic of confidence and good faith, through which evaluation of governance performance is systematically avoided in favor of trust signals that secure legitimacy without testing it. DiMaggio and Powell's 1983 specification of the three isomorphic mechanisms (coercive isomorphism arising from regulatory and funding pressures, mimetic isomorphism

produced by uncertainty, and normative isomorphism produced by professionalization) supplies the operational vocabulary through which the decoupling phenomenon can be tracked across institutional fields. Where mission protection operates at the operational-rule level, all three isomorphic mechanisms can erode it: the coercive pressures of funding criteria, the mimetic conformity to peer-organization governance models, and the normative pressures of professional credentialing each accumulate small operational adjustments that, taken together, displace mission without any single adjustment being recognized as a displacement.

Hirschman's 1970 analysis of exit, voice, and loyalty supplies the complementary diagnostic at the level of the constituting community. Where the constituting community lacks structural standing in governance (that is, where its voice is not anchored at the constitutional-choice level) its only effective response to operational drift is exit: withdrawal from the institution, departure of founding personnel, dissolution of the relational network through which *mētis* was sustained. The exit option is, in the heritage-organization context, a structural defeat: the founding community's exit is precisely what the captured organization seeks to engineer, since the exit completes the displacement that operational drift initiated. Constitutional-choice anchoring of the constituting community's structural standing converts exit pressure into voice pressure, rerouting the same energy from the dissolution of the institution to the deliberation that its preservation requires. The conversion is the structural mechanism CDZ-3's Formalized Community Accountability is designed to supply.

The constitutional-choice diagnosis Ostrom's framework supplies has a foil. Hardin's 1968 argument for the tragedy of the commons (the claim that shared resources are inevitably destroyed by individual rational pursuit of private benefit, with privatization or state control as the only available remedies) supplies the structural pessimism Ostrom's empirical record disproves. Ostrom's 1990 Nobel-laureate study documented hundreds of cases in which communities successfully governed shared resources across centuries through institutional architecture neither privatized nor state-administered. Her finding was that the binary Hardin had imposed was a false dichotomy and that institutional design (specifically, design at the constitutional-choice level) supplies a third path that empirically functions. Hess and Ostrom's 2007 extension of the framework to knowledge commons established the analytical bridge to cultural-heritage governance: heritage organizations function as cultural commons whose stewardship requires the same constitutional-choice architecture Ostrom documented for natural-resource commons, calibrated for the distinctive vulnerability of cultural commons that natural-resource commons do not share, namely, that captured cultural commons cannot regenerate the way captured natural commons sometimes can. A captured fishery can be repopulated. A captured cultural institution loses the relational ecosystem of *mētis* on which its stewardship depended; the loss is not reversible.

5.3 Constitutional-choice and operational-rule levels

RULE LEVEL	WHAT IT GOVERNS	WHY IT MATTERS FOR CDZ
Operational-rule level	Day-to-day decisions, programs, policies, ordinary implementation	Most vulnerable to drift; can be changed by routine decision-making.
Collective-choice level	Bylaws, board procedures,	More durable, but still

RULE LEVEL	WHAT IT GOVERNS	WHY IT MATTERS FOR CDZ
	voting rules, committee structures	often controlled by the operating board.
Constitutional-choice level	Charter, articles, founding deed, trust instrument, amendment thresholds	The level CDZ targets; mission, assets, and community standing are protected against ordinary pressure.

The analytical key to specifying the architecture that holds the inversion is the constitutional/operational distinction Vincent and Elinor Ostrom developed for the analysis of nested rule systems. In the Ostromian framework, institutions operate across three nested rule levels. Operational rules govern day-to-day decisions within the institution: who may use what resources, under what conditions, with what monitoring, subject to what sanctions. Collective-choice rules govern how operational rules can be made and changed: who has the authority to decide, what procedures apply, what majorities are required. Constitutional-choice rules govern how collective-choice rules can be made and changed: who has the authority to amend the constitution itself, what supermajorities or qualified votes apply, what entrenched provisions are protected against ordinary amendment.

The three levels are nested in the sense that each governs the level below it. Constitutional-choice rules determine the conditions under which collective-choice rules can be revised; collective-choice rules determine the conditions under which operational rules can be revised; operational rules determine the conditions under which day-to-day decisions can be made. The nesting is asymmetric. Pressures that operate at the operational level can be accommodated through changes at the operational level, without disturbing the collective-choice or constitutional-choice rules above them. Pressures that would change the collective-choice or constitutional-choice rules must overcome the higher amendment thresholds those levels impose.

The asymmetry is the analytical pivot of the present book's architectural argument. Mission protection that operates at the operational-rule level can be amended through ordinary operational decision-making, the same decision-making that produces mission drift in the first place. A board that makes operational accommodations to fiscal pressure can, by the same procedure, accommodate the next operational decision and the next, until the cumulative pattern has displaced the mission without any single decision having been recognized as a change of mission. Mission protection that operates at the constitutional-choice level requires a higher threshold for amendment. Pressures that would change the mission must be deliberated openly, accepted by a qualified majority of the constituting community, and acknowledged as constitutional rather than operational. The amendment process is, in itself, the structural protection. It cannot eliminate the pressures that produce drift, but it relocates them from the operational register to the constitutional register, where the deliberation they require becomes legible as a deliberation about mission rather than as a string of accommodations none of whose individual increments rise to a deliberation at all.

5.4 Why operational-level reform cannot hold

The constitutional/operational distinction explains why a wide range of well-intentioned governance reforms in the cultural and heritage sector have, on the empirical record, failed to produce structural mission protection. Reforms that operate at the operational-rule level (better board recruitment, improved community-consultation protocols, expanded participatory programming, more rigorous mission-statement reviews, periodic strategic-planning processes) are amendable under the same pressures that produce drift. They can be improved in good times and dismantled in difficult times, by the same governance procedures that adopted them. They are operational; they operate at the operational level.

Reforms that operate at the collective-choice level (changes to bylaws, board composition rules, voting procedures) are more durable, but remain amendable by the operating board through procedures the board itself controls. Collective-choice protections are real, but they are not, by themselves, structurally durable across pressure events of the kind the empirical record documents.

Reforms that operate at the constitutional-choice level (the institution's articles of incorporation, charter, founding instrument, the provisions that govern how the institution's purpose, asset arrangements, and accountability relationships can be amended) are durable in a different sense. They require a higher threshold for amendment, typically supermajority or qualified-vote standards involving the constituting community itself rather than the operating board alone. Pressures that would alter mission must overcome the higher threshold, and the deliberation the higher threshold requires is itself a structural protection. Constitutional-choice protections do not eliminate the pressures that produce drift; they make the deliberation those pressures require legible, public, and properly bounded by the founding commitments the constituting community accepted when the institution was constituted.

The empirical record across the four-case study reported in Chapter 8 supports this analytical claim. Cases that maintained mission integrity across documented pressure events (Site D (Amsterdam) and Site E (Liverpool)) had governance protections at the constitutional-choice level: cooperative bylaws with supermajority amendment thresholds, asset-lock provisions in the constituting instrument, community-accountability mechanisms with structural standing for the constituting community. Cases that experienced capture or contested intervention (Sites A, B, and C) had governance protections, where they had them at all, at the operational-rule or collective-choice level. The pressures the cases experienced were comparable. The governance architectures were not. The differential was the level at which mission protection was anchored.

5.5 The architectural implication

The architectural implication of the constitutional/operational analysis is that effective mission protection in heritage organizations requires governance provisions anchored at the constitutional-choice level of the institution's constituting instrument. The provisions are operationalizable. They can be drafted into existing entity forms across legal traditions (the Community Interest Company, the Community Land Trust, the Benefit Corporation, the fondation d'utilité publique, the Stiftung, the cooperative society, the charitable trust) with adjustments for the constitutional-amendment procedures each entity form supplies. The principles are common; the vehicles vary. Chapter 9 develops the portability analysis at length.

The seven CDZ principles, developed in detail in Chapter 7, are the architectural specification of what constitutional-choice protection requires for community-based cultural-heritage organizations. The meta-principle, Constitutional-Choice Anchoring, is the level at which all seven operate. The remaining six principles (Structural Turbulence Buffer, Isomorphic Resistance Architecture, Formalized Community Accountability, Mission Distinctiveness Protection, Structural Market Buffer, Mission Codification Architecture) each address a distinct mechanism through which heritage organizations lose mission integrity, with the seventh, Jurisdiction-Adaptive Framework, ensuring portability across legal traditions. Each principle is generated through the elimination of a rival hypothesis the empirical record raises. Each is drafted into model provisions that can be adapted to the entity forms each legal tradition supplies. Each operates at the constitutional-choice level, with the amendment threshold appropriate to constitutional change.

The chapter that follows develops the diagnosis of institutional capture and mission drift in detail, with attention to the place-practice-métis triad through which heritage organizations are most vulnerable to displacement and to the rival hypotheses the empirical record eliminates. Chapter 6 prepares the way for Chapter 7's constructive specification of the seven principles.

Chapter 6. Institutional Capture and Mission Drift

Chapter at a glance: This chapter defines institutional capture and mission drift, links them to place, practice, and mētis, and shows how rival explanations generate the need for the seven CDZ principles.

6.1 What capture means: beyond bad actors

Institutional capture, in the analytical sense the present book uses, is not reducible to corruption or to the bad faith of individual actors. The term names a structural pattern: the displacement of an institution's mission, governance authority, and operational integrity by external or internal actors whose interests differ from the founding community's and whose influence is, by the time it is fully visible, structurally embedded in the institution's governance arrangements. The diagnosis is genealogically Stiglerian (George Stigler's 1971 economic analysis of regulatory capture is the foundational reference) but its application to community-based cultural and religious organizations requires the broader institutional-theory toolkit Selznick supplied for cooptation, DiMaggio and Powell for isomorphic pressure, Carpenter and Moss for corrosive capture, and Edelman for legal endogeneity. Across these traditions a consistent finding emerges: capture initiates at the constitutional-choice level and progresses through operational-level effects that the institution's ordinary governance procedures cannot reverse.

The four-case empirical record reported in Chapter 8 confirms the pattern across four legal systems. The mechanisms through which mission-driven organizations were displaced followed a consistent pattern across captured and contested cases: legal restructuring of ownership, financial leverage during periods of distress, displacement of founding leadership through procedural means, and reframing of institutional identity after mission-bearing personnel have been removed. The mechanisms are not exotic; they are the standard repertoire of institutional pressure documented across the institutional-theory literature. What is distinctive in the heritage context is the asymmetry between the protections the international framework supplies (calibrated for state-party action and physical-site protection) and the level at which the mechanisms operate (the institution's constituting instrument and its operational arrangements). The framework recognizes the rights; the institution either has the architecture to make them durable or it does not.

Notably, the organizations most vulnerable to capture were those that had achieved the greatest measurable success. The pattern confirms Stigler's capture asymmetry in a domain he did not examine: operational excellence creates the imperative for structural protection because excellence increases the institution's value to actors whose interests differ from the founding community's. A community-based cultural organization that has built measurable cultural impact, operational capacity, and institutional reputation is, by virtue of those achievements, more visible to the actors whose pressure the structural protection is designed to resist. The protection is not for failing institutions; it is for the successful ones whose excellence has put them at risk. The framing reverses the usual order of governance recommendations. Excellent institutions need constitutional-choice architecture more, not less, because they have more to lose and have built more that capture-prone actors will value.

Mary Douglas's 1986 analysis in *How Institutions Think* supplies the mechanism that explains why institutional capture so consistently evades detection by the very communities it harms. Selznick demonstrated that capture is structurally predictable; Stigler demonstrated that it is economically rational; Carpenter and Moss demonstrated that it operates through corrosive rather than entry-barrier mechanisms; Edelman demonstrated

that it can be accomplished entirely within the bounds of formal legal compliance. None of these accounts explains the cognitive dimension of capture's invisibility. Douglas's account does. Institutions, on her analysis, naturalize their arrangements through analogies that ground social conventions in seemingly natural categories, analogies whose formal property is to render the constructed character of an arrangement invisible to those operating within it. When a capturing entity acquires governance control of a community-based cultural organization, it does not merely seize organizational authority; it naturalizes the new arrangement by grounding it in an analogy that renders the capture invisible to those operating within the institution's thought world. The cross-case empirical record documents this mechanism with specificity. In one captured case, the acquiring entity reframed the acquisition through the analogy that community development entities exist to serve communities, an analogy that mapped the transfer of governance authority from a founding community to a development entity onto a category, community service, that the institution's members experienced as natural rather than constructed. The capture was not merely defensible. It was cognitively invisible. The analogy did its constituent work: it made the displacement of the founding community appear to be the very thing the community had asked for.

Bourdieu's 1993 analysis of the field of cultural production supplies the structural framing within which Douglas's cognitive mechanism operates. Every cultural field, on Bourdieu's account, is structured by a fundamental opposition between the autonomous principle of hierarchization (in which cultural value is determined by the judgments of peers, practitioners, and communities of practice according to criteria internal to the field) and the heteronomous principle, in which cultural value is determined by external forces, principally market success and political power. Captured cultural-heritage organizations, on the empirical record this book reports, are organizations in which the heteronomous principle has overridden the autonomous principle: the criteria of value internal to the field have been displaced by criteria external to it. The constitutional-choice architecture CDZ specifies is, in Bourdieu's vocabulary, the structural protection through which the autonomous principle is anchored against displacement. The asset-lock and mission-lock provisions prevent the heteronomous market principle from converting the institution's cultural value into liquid market value at the discretion of post-founding governance. The formalized community accountability provisions prevent the heteronomous political principle from determining the institution's cultural commitments without the structural standing of the constituting community. The architecture does not eliminate the heteronomous pressures the field operates under; it relocates them, from operational accommodations made one decision at a time, to constitutional deliberations made openly, with the structural standing of the community whose autonomous authorship the architecture exists to protect.

6.2 Mission drift as *privatio boni*

Mission drift is the slower cousin of institutional capture. Where capture, on the analytical specification above, displaces mission through identifiable mechanisms operating across discrete pressure events, drift displaces mission through the cumulative effect of operational accommodations whose individual increments do not rise to the level of identifiable change. The institution's self-description continues to reference the founding mission; its program offerings continue, in name, to align with the founding commitments; its annual report tells a story of continuity. The substance of the mission, however, has shifted in directions the founding community would

not recognize, through small accommodations that no governance body acknowledged as a change of mission at the time they were made.

The Augustinian formulation, used here with restraint and translated into the philosophical vocabulary the heritage studies field engages, is that mission drift is *privatio boni*, a privation of the good rather than a substantial evil. The institution's drift is not the importation of evil from outside but the evacuation of the good that was there. The building remains. The name remains. The governance positions remain. What is missing is the founding community's authorship of the institution's ongoing purposes and the *mētis* through which the mission was sustained as an ongoing practice. The privation is structural rather than personal; it follows from architecture (or its absence) rather than from individual virtue (or its absence). The founders may continue to serve in good faith; the trustees may continue to deliberate in good faith; the staff may continue to work in good faith. The architecture either holds the mission against the cumulative effects of operational pressure or it does not.

The mission drift literature in nonprofit governance studies confirms the diagnosis empirically. Alnoor Ebrahim, Julie Battilana, and Johanna Mair's 2014 review of mission drift in hybrid organizations established that drift is the most common single failure mode for organizations operating across mission-and-market boundaries, including the cultural-religious organizations whose protection the present book addresses. Chris Cornforth's 2012 critique of board-focused nonprofit governance research argued that effective governance requires mechanisms operating across organizational boundaries rather than mechanisms confined to the operating board. The two literatures converge with the constitutional-choice analysis: drift is operational-level dynamics; effective response is constitutional-choice architecture. Operational interventions help at the margin; structural protection holds across pressure events.

6.3 The place-practice-mētis triad

The displacement of a heritage community from its institution does not deprive the community of an abstraction. It evacuates the embedded knowledge through which the institution's heritage practice was reproduced across time. The place-practice-mētis triad names what is at stake. Place, in the spatial-temporal sense Dolff-Bonekämper recovered, is the physical landscape and built environment in which the community's practice is embedded. Practice is the ongoing work (the conservation, the interpretation, the educational programming, the liturgical or cultural rhythms, the relationships with neighboring communities) through which the institution's heritage commitments are made operative day by day. Mētis is the practical, relational, partially uncodifiable knowledge a community accumulates through long-term engagement with a place and a practice; it is the knowledge that resides in bodies, in working memory, in tacit habits of attention, in the small adjustments that experienced practitioners make without being able to articulate fully why.

The three are not separable in practice. Place without practice is monument; practice without place is tradition without home; mētis without place or practice is, in any complete sense, lost. The integration of the three is what heritage stewardship is. The disintegration of the three is what capture and drift produce, even when the visible institution survives in name. Scott's analysis of mētis in *Seeing Like a State* demonstrated that centralized rationalization (the drive to legibility, simplification, standardization) systematically destroys the practical knowledge through which complex social systems function. Heritage organizations are particularly exposed to this dynamic because their mission requires the kind of long-engaged practice that produces mētis,

and their operational context (fiscal pressure, professional credentialing pressure, market integration pressure) consistently rewards the rationalizing simplifications that displace it.

The architectural response is not to insulate heritage organizations from professional management or operational discipline. It is to protect the place-practice-mētis triad at the constitutional-choice level, so that operational decisions, however necessary in the moment, cannot accumulate to the level of severing the triad without the deliberate and visible action of the constituting community. CDZ's Mission Codification Architecture principle (Chapter 7) supplies one component of this protection by distributing institutional knowledge across four organizational tiers (governance documentation, operational protocols, relational formalization, and documentary preservation) such that no single departure or transition leaves the institution without the mētis its mission requires. Structural Market Buffer (Chapter 7) supplies a second component by binding the institution to its physical place through asset-lock provisions that prevent severance under fiscal pressure. Formalized Community Accountability (Chapter 7) supplies a third by giving the constituting community the structural standing to contest decisions that would sever the triad. The three principles together do not eliminate the pressures that threaten the triad. They make those pressures legible at the level of constitutional deliberation, where the constituting community can address them as questions of mission rather than as accumulating operational accommodations.

The losses of capture extend beyond the captured institution. The empirical record documents what may be termed compounded harm: the dependent ecosystem of workers and their families, vendors and their families, clients and their families, and community members who built relationships of reliance with the institution sustains injuries that existing governance frameworks have not yet systematically named. When a community-based cultural-heritage organization is captured, the founding community's direct loss is the most visible. The compounded losses, however, are larger in aggregate: the artisans whose practice the institution supported, the educational programs whose participants relied on the institution's presence, the regional cultural economy whose ecosystem the institution anchored. Capture is not the displacement of a single institution. It is the dissolution of the dependent network the institution sustained. The architectural argument the book defends (that constitutional-choice protection at the institutional level is the protection of the dependent network as well) turns on this fact. The institution is not the only thing the architecture protects. It is the structural anchor through which the network the institution sustained is held against the dissolution that capture would otherwise produce.

6.4 Six rival hypotheses eliminated by the empirical record

The CDZ framework's seven principles are not generated through deductive specification from a theoretical framework. They are generated through the elimination, in cross-case analysis across the four international sites, of seven rival hypotheses for why some community-based cultural-heritage organizations maintain mission integrity across pressure events while others are captured. The methodological protocol that produces this elimination is the Dominican *disputatio* adapted as governance research methodology, developed in the author's prior methodological paper.¹ The protocol formulates each rival hypothesis in its strongest available form, adjudicates it against the cross-case evidentiary record, and either confirms it (in which case the hypothesis stands

¹See Garsia, *The Dominican Disputatio as Governance Research Methodology* (SSRN 6454898, 2026a).

as the explanation), eliminates it (in which case the gap its elimination reveals generates a CDZ principle), or partially designates it (in which case it survives in modified form). The seven rival hypotheses were eliminated or partially designated as follows.

R1, Environmental Turbulence, hypothesizes that capture follows from external environmental pressures that overwhelm even well-governed institutions. The hypothesis is eliminated by cross-case evidence: protected cases (Sites D and E) faced comparable environmental pressures and maintained mission integrity, while the captured case lacked the constitutional-choice architecture that would have made resilience structurally durable. The elimination generates CDZ-1: Structural Turbulence Buffer.

R2, Isomorphic Convergence, hypothesizes that institutional pressures toward conformity with the dominant practices of the heritage sector explain mission drift. The hypothesis is eliminated by cross-case evidence showing that the captured organization had professional credentials and isomorphic conformity at high levels, while protected organizations resisted operational drift through governance architecture rather than through credentialing alone. The elimination generates CDZ-2: Isomorphic Resistance Architecture.

R3, Relational Community, hypothesizes that strong relational bonds within the constituting community are sufficient for mission protection. The hypothesis is eliminated by evidence that the captured organization had genuine relational community whose protective effect dissolved when external pressure exploited governance vulnerabilities the relational bonds could not address. The elimination generates CDZ-3: Formalized Community Accountability.

R4, Post-Christian Environmental Displacement, hypothesizes that organizations with founding commitments distinct from the dominant secular environment are progressively displaced by environmental pressure regardless of internal governance. The hypothesis is eliminated by evidence that organizations operating in comparable environments survived through governance instruments designed to codify and protect mission distinctiveness. The elimination generates CDZ-4: Mission Distinctiveness Protection.

R5, Natural Market Forces, hypothesizes that capture is the predictable outcome of cultural organizations operating in real-estate markets where their physical assets accumulate value beyond their mission-driven utility. The hypothesis is eliminated by evidence that protected cases faced comparable market pressures with divergent outcomes, with the differential explained by the presence or absence of structural market-buffering provisions. The elimination generates CDZ-5: Structural Market Buffer.

R6, Discernment Primacy, hypothesizes that genuine communal discernment is sufficient for mission protection without the need for structural codification. The hypothesis is eliminated by evidence that organizations whose discernment was genuine and whose commitment was never in question nonetheless experienced capture when governance instruments were absent or circumvented. Discernment and codification are sequential acts of faithfulness; the elimination generates CDZ-6: Mission Codification Architecture.

R7, Legal Formalism Barrier, hypothesizes that legal-system constraints prevent CDZ-style provisions from being implemented in any given jurisdiction. The hypothesis is partially eliminated: legal-system specifics do require adaptation, but the seven principles can be drafted into existing entity forms across common-law, civil-law, and mixed legal traditions. The partial elimination generates CDZ-7: Jurisdiction-Adaptive Framework.

6.5 The architectural question Part III answers

The diagnostic chapters of this book have now established the structural pattern. The four-instrument international heritage framework converges at the institutional level. The framework has reached the limits of what it can accomplish from the international register; the work that remains belongs at the institutional constitutional-choice level. The Authorized Heritage Discourse, displaced from the international register by Faro and the post-2000 cultural-rights debates, returns at the institutional level through trustee composition, professional advisory dominance, and operational drift. Mission drift and institutional capture follow predictable patterns disclosed by the cross-case empirical record; the patterns are addressable, but only at the constitutional-choice level. Six rival hypotheses for why some cases experience capture while others maintain mission integrity have been eliminated; one has been partially designated. Each elimination has generated a constitutional-choice principle, and the seven together compose the governance form Part III now sets out in full architectural detail.

The chapter that follows develops the seven principles in turn, with attention to the rival hypothesis each principle eliminates, the structural function each performs, the model provisions through which each can be drafted into a constituting instrument, and the relationship of the seven taken together to Ostrom's eight design principles for governing the commons. The architectural specification is the heart of the book's contribution. It is what the diagnostic literature has called for and what the empirical record has made possible.

PART III

Cultural Development Zones as governance form

Chapter 7. The Seven Principles of CDZ Governance

Chapter at a glance: This chapter states the CDZ architecture. Each principle is presented as a constitutional-choice response to a specific failure mode identified in the empirical and theoretical record.

PRINCIPLE	NAME	FUNCTION
Meta-principle	Constitutional-Choice Anchoring	Places all CDZ protections in the primary constituting instrument.
CDZ-1	Structural Turbulence Buffer	Preserves mission during crises, funding shocks, and leadership transitions.
CDZ-2	Isomorphic Resistance Architecture	Prevents professional or sectoral norms from silently replacing community authorship.
CDZ-3	Formalized Community Accountability	Gives the constituting community structural standing and remedies.
CDZ-4	Mission Distinctiveness Protection	Defines mission in testable terms and distinguishes development from substitution.
CDZ-5	Structural Market Buffer	Uses asset-locks and use restrictions to protect the place-practice bond.
CDZ-6	Mission Codification Architecture	Distributes institutional memory across governance, operations, relationships, and archives.
CDZ-7	Jurisdiction-Adaptive Framework	Keeps functions constant while adapting legal vehicles across systems.

7.0 The meta-principle: Constitutional-Choice Anchoring

Before the seven principles are set out individually, the meta-principle that governs all seven must be made explicit. Constitutional-Choice Anchoring is the level at which all seven CDZ principles operate; it is not one of the seven but the architectural foundation on which the seven stand. The principle holds that mission protection in community-based cultural-heritage organizations must be drafted into the constitutional-choice level of the

institution's constituting instrument, with amendment thresholds appropriate to constitutional change rather than to ordinary operational decision-making.

The principle's warrant is the Ostromian analysis developed in Chapter 5. Provisions that operate at the operational-rule level are amendable through ordinary operational decision-making, by the same procedures that produce mission drift. Provisions that operate at the collective-choice level are more durable but remain amendable by the operating board through procedures the board itself controls. Provisions that operate at the constitutional-choice level require a higher amendment threshold, supermajority or qualified vote of the constituting community, ratification by named external bodies, or other arrangements through which the founding community retains structural authority over substantive change. The threshold is not bureaucratic encumbrance. It is the structural protection. Pressures that would alter mission must overcome the threshold, and the deliberation the threshold requires is itself the protection.

Operationalizing Constitutional-Choice Anchoring requires that each of the seven CDZ principles be drafted into the institution's primary constituting instrument (articles of incorporation, charter, founding act, deed of trust) rather than into bylaws, board policies, or operational procedures. The amendment provision applicable to each must specify the supermajority or qualified-vote standard appropriate to constitutional change, and must specify the role of the constituting community in any substantive amendment. Where the entity form permits, the constitutional-choice provisions should be made un-amendable except through dissolution, with assets reverting to a successor entity bound by the same provisions. Where the entity form does not permit fully un-amendable provisions, the amendment threshold should be set at the highest level the form supports, with explicit reference to the founding community's authority to participate in any amendment.

7.1 CDZ-1: Structural Turbulence Buffer

The first principle responds to R1's elimination. Structural Turbulence Buffer holds that mission-driven organizations require constitutional-choice provisions designed to maintain governance integrity across environmental pressure events, funding crises, regulatory changes, market dislocations, leadership transitions, external shocks. The provisions establish a structural buffer between the institution's mission-bearing operations and the volatility of the environment in which it operates. Without such a buffer, environmental turbulence translates directly into governance instability, and governance instability is the condition under which capture-prone actors most often gain entry.

The model provision establishes reserve funds at the constitutional level (preventing their exhaustion through operational decision), specifies escalation protocols for crisis response (preventing improvised governance under stress), names the constituting community's standing to contest decisions made under crisis conditions (preventing crisis from becoming a mechanism for governance change), and establishes mechanisms through which the institution can convert short-term pressure into deliberation rather than into structural concession. The provision is, in operational terms, the constitutional analog to the financial-prudence reserves charitable trustees in mature legal traditions are already required to maintain. What is added is the constitutional-choice anchoring: the reserves cannot be exhausted, the protocols cannot be suspended, and the community's standing cannot be removed except through the constitutional amendment process.

7.2 CDZ-2: Isomorphic Resistance Architecture

The second principle responds to R2's elimination. Isomorphic Resistance Architecture holds that mission-driven organizations require constitutional-choice provisions designed to resist the institutional pressures toward conformity with the dominant practices of the heritage sector that DiMaggio and Powell named as coercive, mimetic, and normative isomorphism. The provisions do not exempt the institution from professional standards; they ensure that the institution's adoption of professional practices is governed by the institution's own constituting purposes rather than by the convergent pressures of the sector's dominant practices.

The model provision requires governance documentation prepared or reviewed by professionals credentialed in nonprofit governance, community development law, or institutional design (preventing the institution from drifting toward generic sector norms by default), specifies periodic professional audit at intervals not exceeding three years (preventing slow drift through accumulated operational accommodations), and reports audit findings to the governing body and the constituting community oversight assembly (preventing audit from becoming an internal governance procedure that misses the community-facing dimension of isomorphic risk). The principle does not insulate the institution from professional improvement. It anchors professional improvement in the constituting community's authorship rather than in the sector's convergent norms.

7.3 CDZ-3: Formalized Community Accountability

The third principle responds to R3's elimination. Formalized Community Accountability holds that institutional relationships essential to an organization's mission must be embedded in legally binding instruments with mutual obligations, accountability provisions, and remedies for breach. The principle extends Cornforth's 2012 call for governance mechanisms operating across organizational boundaries by specifying that such mechanisms require legal enforceability to function protectively. Advisory and grant relationships, however prestigious, cannot substitute for covenantal accountability with binding form.

The model provision specifies that institutional partnerships essential to the mission of a designated Cultural Development Zone must be formalized in written covenantal agreements specifying mutual obligations of each partner, accountability provisions including reporting requirements and performance standards, remedies for breach including mediation, arbitration, and enforceable dispute resolution, and obligations to intervene when mission integrity is threatened by external actors. The provision is calibrated for the institutional partnerships that, on the empirical record, distinguish the protected cases from the captured case: cooperative agreements at Site D (Amsterdam), municipal partnership instruments at the Liverpool sites, cooperative-society arrangements that survive across leadership transitions because the agreements bind the partners structurally rather than relying on the personal continuity of any one set of leaders.

The principle's deepest warrant is Wolterstorff's account of inherent justice. The constituting community has rights to retain authorship of its own institutional life that inhere in persons rather than being conferred by state recognition. CDZ-3 supplies the constitutional-choice architecture through which those inherent rights become legally enforceable in the institution's own constituting instrument. The community's rights are not created by CDZ-3; they are recognized and made operationally durable by the formal accountability the principle requires.

7.4 CDZ-4: Mission Distinctiveness Protection

The fourth principle responds to R4's elimination. Mission Distinctiveness Protection holds that mission-driven organizations require constitutional-choice provisions that define the institution's distinctive mission in operationally testable terms, prevent that mission from being silently reframed under fiscal or governance pressure, and make any substantive change to the mission a constitutional-choice question rather than an operational decision. The principle is the structural answer to the mission-drift dynamics described in Chapter 6.

Mission distinctiveness does not mean immobility. Heritage organizations change programs, revise partnerships, adopt new technologies, and respond to new publics. The danger is not ordinary development. The danger is mission substitution: a gradual replacement of the founding community's authoring purpose by a more fundable, marketable, professionally legible, or politically convenient purpose while the inherited name and public narrative remain in place.

The model provision therefore requires the constituting instrument to state the mission in language specific enough to be tested against future decisions. It should identify the community whose stewardship the institution exists to protect, the practices and forms of knowledge that constitute that stewardship, the relation between the community and the physical or institutional assets held by the organization, and the activities that would be incompatible with the founding mission. Vague phrases such as "cultural benefit," "community engagement," or "creative development" are not sufficient unless they are linked to concrete obligations and exclusions.

A substantive change to the mission should require the same threshold as any other constitutional-choice amendment: notice to the constituting community, deliberation in a properly convened forum, a supermajority or equivalent qualified approval, and any registry, court, regulator, or charitable-law approval required by the relevant entity form. The point is not to prevent change forever. It is to ensure that change is named as change and tested by the community whose authorship the institution exists to preserve.

A model clause would read: "The distinctive mission of the Institution is to preserve, sustain, and transmit [specified heritage practice, place, and community authorship]. The Institution shall not adopt any program, asset transaction, governance arrangement, partnership, or interpretive framework materially inconsistent with that mission. A proposed action is materially inconsistent when it severs the constituting community from meaningful authorship, alienates assets necessary to the mission, or reframes the institution's purpose in terms incompatible with the founding commitments set forth here. Any amendment to this mission requires the constitutional-choice procedure specified in Section 1."

7.5 CDZ-5: Structural Market Buffer

The fifth principle responds to R5's elimination. Structural Market Buffer holds that mission-bearing organizations require constitutional-choice provisions that bind the institution to the physical place its mission requires, preventing the institution's real property from being alienated to uses incompatible with the founding community's mission. The principle draws on the operational record of the United Kingdom's Community Interest Company asset-lock framework, established under the Companies (Audit, Investigations and Community Enterprise) Act 2004, and on the parallel record of the United States Community Land Trust movement.

The model provision establishes asset-lock and use-restriction mechanisms within the institution's own constituting instrument, ensuring that property which has accumulated cultural value through the community's stewardship cannot be alienated to uses incompatible with the community's mission. The provision specifies the conditions under which property may be transferred (only to a successor entity bound by equivalent asset-lock provisions), the procedures applicable to any proposed alienation (requiring constituting community approval at the constitutional-amendment threshold), and the remedies available if an alienation occurs in breach of the provision (restitution, restoration, or transfer to a successor entity). The provision's effectiveness depends on its anchoring at the constitutional-choice level. Asset-lock provisions in bylaws or board policies are amendable by the operating board under the same pressures that produce alienation; provisions in the constituting instrument require the higher constitutional threshold to amend.

The natural-law claim beneath the asset-lock provision is one this book treats with appropriate restraint, given its secular audience. The institutional commons (the physical place a heritage community has stewarded over time) belongs to the founding community by inherent right that precedes statutory recognition. Wolterstorff's account of inherent rights provides the philosophical grounding the secular reader can engage. Those who built the institution have a claim upon it that precedes any board resolution, creditor action, or governmental decree. The asset-lock converts that inherent right into enforceable positive law inside the institution's own constituting instrument. CDZ-5 is the constitutional-choice architecture through which the inherent right becomes structurally durable in the institution that holds it.

7.6 CDZ-6: Mission Codification Architecture

The sixth principle responds to R6's elimination. Mission Codification Architecture holds that institutional knowledge must be distributed across four tiers (governance documentation, operational protocols, relational formalization, and documentary preservation) such that no single individual's departure renders inaccessible more than one tier of institutional knowledge. The principle is the *mētis*-protection corollary to CDZ-3's community-accountability provisions and CDZ-5's place-protection provisions.

The model provision specifies the four tiers in operational detail: (a) governance-tier documentation embedding decision-making protocols, institutional values, and mission-lock provisions in organizational charters and bylaws; (b) operational-tier documentation specifying roles, responsibilities, and procedures sufficient for functional continuity across personnel transitions; (c) relational-tier formalization of community partnerships in institutional rather than personal agreements; and (d) documentary-tier preservation of institutional history, governance decisions, and operational records in accessible formats. The four-tier distribution is not an archive policy. It is a constitutional-choice provision protecting the *mētis* the community's practice has produced from the consequences of any single departure or transition.

The principle's analytical warrant is Chapter 6's analysis of place, practice, and *mētis*: the practical knowledge a community produces through long engagement with a place and a practice is held in bodies and working memory rather than in codified protocols, and the codification CDZ-6 specifies is the structural protection that allows *mētis* to survive the leadership transitions and external pressures that would otherwise dissolve it with the personnel who held it. Site D's success across multiple leadership transitions, on the empirical record reported in Chapter 8, was structurally enabled by the four-tier distribution. The cooperative bylaws embedded governance-level institutional memory; the staff protocols held operational capacity; the municipal

partnership agreements formalized relational capital; and the documentary preservation of institutional history provided the substrate any future generation of leadership could draw on. CDZ-6 makes the four-tier distribution constitutional rather than discretionary.

7.7 CDZ-7: Jurisdiction-Adaptive Framework

The seventh principle responds to R7's partial elimination. Jurisdiction-Adaptive Framework holds that CDZ governance architecture must be designed for adaptation across diverse legal systems rather than locked into a single jurisdiction's conventions. The principle ensures that the seven CDZ principles, formulated at the level of function, can be implemented through the existing entity forms each legal tradition supplies. Chapter 9 develops the portability analysis at length; CDZ-7 is the constitutional-choice provision through which portability is anchored at the institution's level.

The model provision specifies that the institution's constituting instrument shall include explicit reference to the legal-system context within which it operates and the equivalent provisions in alternative legal systems through which the institution's mission could be sustained if jurisdictional change becomes necessary. The provision is not exotic; it is the kind of jurisdictional-clause language that mature international charitable structures already use. What is new is its constitutional-choice anchoring within the CDZ architecture: the institution's portability is not a contingency provision in case of disaster; it is a structural feature of the institution's mission-protection architecture, ensuring that the seven principles function across the legal-system transitions an institution may experience over time.

7.8 The principles as a system: Ostrom's eight, CDZ's seven

The seven CDZ principles function as a system, with each principle addressing a distinct mechanism of mission failure and the seven together composing the constitutional-choice architecture mission protection requires. The system's analytical genealogy is Ostrom's eight design principles for governing the commons. The mapping between Ostrom's eight and CDZ's seven is not one-to-one but is structurally legible. Ostrom's clearly defined boundaries correspond to CDZ-4's mission codification at the constitutional-choice level, preventing reinterpretation and scope capture. Ostrom's congruence with local conditions corresponds to CDZ-7's jurisdiction-adaptive provisions across legal systems. Ostrom's collective-choice arrangements correspond to CDZ-3's community veto rights over governance-altering transactions. Ostrom's monitoring corresponds to CDZ-2's multi-stakeholder councils with independent mandate. Ostrom's graduated sanctions correspond to CDZ-2's independent professional audit provisions. Ostrom's conflict-resolution mechanisms correspond to CDZ-3's formalized accountability with binding remedies. Ostrom's recognition of rights to organize corresponds to CDZ-5's structural market buffer (preventing external displacement of the community's organizational form). Ostrom's nested enterprises correspond to CDZ-6's mission codification across four tiers.

The mapping confirms that CDZ is not a parallel framework operating outside the commons-governance tradition. It is the application of that tradition to community-based cultural-heritage organizations, with two distinguishing features: the principles are calibrated for cultural-religious mission rather than for natural-resource commons, and the principles operate within constitutional-choice architecture suited to formal organizations rather than within the more fluid governance arrangements that characterize Ostrom's natural-

resource cases. The differences are real but secondary. The deeper claim is that Ostrom's commons-governance tradition, applied to the cultural-heritage domain through the seven CDZ principles, supplies the institutional-design vocabulary the international heritage framework has been waiting for.

The chapter that follows reports the empirical record from which the principles were generated. Four cases across four legal systems supply the cross-case adjudication through which the rival hypotheses were eliminated and the seven principles emerged. The empirical record is what makes the architectural specification more than aspirational.

Chapter 8. The Comparative Empirical Record: Four Cases, Four Legal Systems

Chapter at a glance: This chapter reports the comparative case record. The cases are used for theory-building and plausibility-testing rather than as proof of universal applicability.

CASE	LEGAL/ INSTITUTIONAL SETTING	OUTCOME	CONTRIBUTION TO ARGUMENT
Site B: Berlin/Tacheles	Germany; post-industrial creative complex	Captured	Operational excellence without constitutional-choice asset and mission protection.
Site C: Beijing/798	China; state-endorsed arts district	Contested	Physical site persisted while founding community authorship was substantially altered.
Site D: Amsterdam/NDSM	Netherlands; cooperative creative community	Protected	Cooperative governance and use restrictions preserved mission across stress events.
Site E: Liverpool/Baltic Triangle	United Kingdom; CIC/charitable cluster	Protected/ partially protected	Asset-lock and community-benefit provisions supplied standing against market pressure.

8.1 Methodological recap

This chapter reports the comparative empirical record on which the seven CDZ principles stand. The methodology is reported in detail in Garsia 2026a; a brief recap is necessary here so that the reader understands what each case account establishes and what it does not. The four-case design follows Yin's replication logic and Eisenhardt's theory-building case-study protocol; the analytical engine integrates Yin's pattern matching, Eisenhardt's theoretical sampling, Bhaskar's critical-realist retroduction, and the Dominican disputatio's adversarial adjudication of rival hypotheses through structured response (*responsio*) to each rival in its strongest available form. The four cases were selected for theoretical-replication design across one captured outcome (Site B), one contested-intervention outcome (Site C), and two protected outcomes (Sites D and E), distributed across four legal systems.

The methodology operates within Bhaskar's critical-realist three-domain ontology. The empirical domain comprises what is observed across cases: organizations captured or protected, mission integrity sustained or eroded, founding communities retained as authoring agents or displaced. The actual domain comprises the governance events and decisions that occur whether observed or not: board votes, asset transfers, leadership transitions, regulatory filings. The real domain comprises the underlying generative mechanisms that produce the observable patterns: the constitutional-choice architecture (or its absence), the structural standing of the constituting community (or its absence), the asset arrangements at the founding instrument level (or their reservation to operational rule levels). Bhaskar's logic of retroduction (reasoning from cross-case empirical patterns backward to the structural mechanisms that must have been operating to produce them) is what generates the seven CDZ principles. Each principle is not an assertion but the analytical residue of the disputatio: the conclusion that remains after the strongest available rival hypotheses have been adjudicated against the cross-case record.

The rival-hypothesis adjudication draws on the Dominican disputatio tradition documented by Mulchahey, Torrell, and Weisheipl and given its definitive epistemological form by Aquinas in *Summa Theologiae* I, q. 1, a. 8. The citation to Aquinas is intentional rather than ornamental: it marks the methodological rule that truth is tested not by avoiding objections but by answering the strongest objections in their most disciplined form. Seven rival hypotheses, specified a priori, function as the objectiones of a structured disputatio: Environmental Turbulence (R₁), Isomorphic Convergence (R₂), Relational Community (R₃), Post-Christian Environmental Displacement (R₄), Natural Market Forces (R₅), Discernment Primacy (R₆), and Legal Formalism Barrier (R₇). Each rival is entertained in its strongest available form. The cross-case empirical record is where the rivals are tested. What remains after the disputatio is the responsio: the architectural conclusion the evidence supports. Six rivals are eliminated; one (R₇) is partially eliminated, on the empirical record reported in the cases that follow.

8.2 Site B: Central European post-industrial creative complex (captured)

Site B, the Kunsthaus Tacheles complex in Berlin, was a post-industrial creative community established in a former East Berlin building complex in the immediate aftermath of German reunification. Its founding artists transformed a disused commercial structure into one of Europe's most internationally recognized creative communities, producing measurable cultural-tourism impact and supporting hundreds of artists across two decades of operation. The community was displaced in 2012 through investor-driven acquisition that converted real-estate leverage into governance control, precisely the mechanism CDZ-5's Structural Market Buffer is designed to prevent.

The German legal system provides several entity forms (the *gemeinnützige GmbH*, the *eingetragener Verein*, the *Stiftung*) within which the Tacheles community could have anchored its institutional arrangements at the constitutional-choice level. The community's governance arrangements during the operational period rested instead on tenancy arrangements with the building's owners and on informal agreements among the artists themselves. When financial pressure on the building's owners produced an acquisition opportunity, the arrangement that had supported the artists' community for two decades dissolved without the artists having structural standing in the determination of the building's use. Site B's cross-case contribution is the demonstration that even in legal systems whose entity forms include mature mission-durability options, the absence of constitutional-choice anchoring of those options leaves the institution exposed. The protection is not

in the legal system's availability of tools; it is in the institution's having drafted those tools into its constituting instrument.

8.3 Site C: East Asian state-endorsed arts district (contested intervention)

Site C, the 798 Art Zone in Beijing, is a state-endorsed creative district that emerged from artist occupation of a former industrial complex and that has, through a contested sequence of state interventions, been preserved as a physical district while undergoing fundamental governance transformation. The state intervention preserved the physical site (the buildings remain, the district retains its identity as a creative quarter, the cultural-tourism economy continues to operate) but altered governance through commercial hybridization that displaced the founding artists' community from the determination of the district's ongoing cultural commitments.

Site C's status as contested rather than fully captured reflects the distinction between physical-site protection and stewardship-community protection that runs through Part I of this book. The Convention's site-protection mechanisms, where applied analogously, would record Site C as a success: the buildings stand, the district's cultural identity persists, the creative economy continues. The stewardship-community framework records Site C as contested: the founding community's authorship has been substantially displaced by state-curated commercial arrangements, with the *mētis* the original community produced now mediated by external curatorial decisions in ways the original community would not have made. The case demonstrates that the four-instrument framework's site-protection register and the institutional-governance register are conceptually distinct: a site can be protected as physical fabric while its stewardship community is displaced as authoring agent.

8.4 Site D: Northwestern European cooperative creative community (protected)

Site D, the NDSM Wharf in Amsterdam, is a cooperative creative community formed through artist occupation of a decommissioned shipyard in Amsterdam's northern district. Its transition from informal occupation to formally constituted cooperative occurred within Amsterdam's *broedplaatsen* municipal-policy framework, which required governance structures as a condition of site access. The cooperative model embedded decision-making authority in organizational governance rather than in individual founders, created enforceable membership agreements distributing rights and responsibilities across the community, and established accountability mechanisms that survived multiple leadership transitions and at least two reductions in scope of the supporting municipal policy.

The Site D record exemplifies the protective power of structural governance. The cooperative bylaws contain mission-lock provisions at the constitutional-choice level; asset arrangements are bound by use-restriction provisions that prevent alienation to incompatible uses; community accountability is formalized through membership agreements with binding remedies; institutional knowledge is distributed across the four-tier architecture CDZ-6 specifies (cooperative bylaws, staff protocols, municipal partnership instruments, documentary archive). The cooperative has tested these provisions across multiple stress events: changes in municipal political leadership, reductions in the *broedplaatsen* policy's scope, financial pressure during periods of Amsterdam real-estate appreciation. The provisions held. The mission integrity persists. Site D's contribution to the cross-case record is the demonstration that constitutional-choice architecture does not eliminate the pressures that produce capture; it relocates those pressures from the operational register, where they can

accumulate to cumulative displacement, to the constitutional register, where they must be deliberated openly and addressed by the constituting community.

8.5 Site E: Northern European community-interest cluster (protected)

Site E (the Baltic Triangle district in Liverpool) is a Northern European community-interest-company cluster centered on adaptive-reuse of a former industrial-and-commercial district. The cluster operates within the United Kingdom's Community Interest Company framework, established under the Companies (Audit, Investigations and Community Enterprise) Act 2004, which provides asset-lock and mission-lock architecture at the constitutional-choice level for community-benefit organizations. Several of the cluster's anchor organizations are constituted as CICs with the asset-lock provisions in their constituting instruments; others are charitable trusts with parallel constitutional-choice protections.

Site E's record across the operational period demonstrates partial community-voice provisions and the asset-lock effective at preventing capture. The cluster faced real-estate appreciation pressure comparable to that experienced by the captured case, with property values in the district rising substantially across the operational period. The asset-lock provisions in the CIC constituting instruments held. Where partial community-voice provisions were less complete than the Site D cooperative-membership architecture, the cluster's organizations experienced governance pressure but retained sufficient structural standing to contest proposed governance changes before they became irreversible. Site E's cross-case contribution is the demonstration that constitutional-choice provisions need not be exhaustive to be protective: even partial community-voice provisions, anchored at the constitutional-choice level, supply the structural standing the constituting community requires to contest decisions before they become structurally embedded.

8.6 Cross-case pattern: governance architecture as the differential variable

Across the four cases, governance architecture rather than environmental conditions, market pressures, or relational density emerges as the differential variable explaining outcomes. The captured case (Site B) had operational excellence, professional credentials, genuine relational community, and measurable cultural impact at high levels. It lacked constitutional-choice architecture. Protected cases (Sites D and E) had constitutional-choice architecture (cooperative bylaws with mission-lock and asset-lock provisions; CIC constituting instruments with statutory asset-lock; charitable-trust arrangements with parallel constitutional-choice protections). The contested case (Site C) demonstrates that physical-site protection without stewardship-community protection produces preservation of the building and displacement of the community simultaneously.

The pattern eliminates the rival hypotheses Chapter 6 enumerates. R1 (Environmental Turbulence): the captured case faced environmental pressures comparable to those experienced by the protected cases; the differential is governance, not environment. R2 (Isomorphic Convergence): the captured case had professional credentials at levels comparable to or higher than the protected cases; isomorphic conformity does not predict outcomes. R3 (Relational Community): the captured case had genuine relational community whose protective effect dissolved when governance vulnerabilities were exploited. R4 (Post-Christian Environmental Displacement): protected cases operated in comparably secular environments; mission distinctiveness was

protected by governance instruments rather than by environment. R5 (Natural Market Forces): protected cases faced comparable market pressures; the differential is the asset-lock and use-restriction provisions in the constituting instrument. R6 (Discernment Primacy): the captured case had genuine discernment; the differential is whether discernment was codified in constitutional-choice provisions or held only in personnel. R7 (Legal Formalism Barrier): the four legal systems each provided entity forms within which constitutional-choice architecture could be drafted; the differential is whether the institution drafted the available provisions into its constituting instrument.

The cross-case pattern is what supports the seven CDZ principles. The pattern is not the author's projection from any single case; it is the cross-case adjudication across four cases distributed across four legal systems. The framework that emerges is the constitutional-choice architecture this book's seven principles specify. The architectural form is portable across legal traditions, as the chapter that follows establishes.

8.7 Five findings consolidated

The cross-case empirical record yields five consolidated findings, each addressed by specific provisions of the constitutional-choice architecture the seven CDZ principles compose.

Finding 1. Capture follows mechanisms identified in the institutional-theory literature. The captured case (Site B) exhibits a displacement sequence well-documented in that literature: legal restructuring of ownership, financial leverage during periods of distress, displacement of founding leadership through procedural means, and reframing of institutional identity after mission-bearing personnel have been removed. The institution most vulnerable to capture was one that had achieved significant measurable success, confirming that operational excellence does not protect against capture in the absence of constitutional-choice architecture. The finding extends Stigler's capture asymmetry into the cultural-heritage domain and confirms Carpenter and Moss's corrosive-capture model in cultural institutions.

Finding 2. Protective governance requires structural architecture. The protected cases (Sites D and E) shared one defining feature: governance protections anchored at the constitutional-choice level rather than the operational-rule or collective-choice levels. Cooperative ownership models (Site D), community-interest-company asset-lock provisions (Site E), and parallel charitable-trust arrangements supplied institutional safeguards that persisted across leadership transitions and financial pressures. The finding supplies the first cross-national empirical confirmation that Ostrom's 1990 design principles for natural-resource commons operate with equivalent structural force in cultural commons.

Finding 3. Site protection without stewardship-community protection produces preservation of the building and displacement of the community simultaneously. The contested case (Site C) demonstrates that physical-site protection mechanisms can succeed while stewardship-community protection mechanisms fail, with the result that the buildings stand and the founding community is displaced as authoring agent. The finding establishes that the four-instrument framework's site-protection register and the institutional-governance register are conceptually distinct and require parallel architectural responses.

Finding 4. International legal frameworks identify but do not close the governance gap. The four UNESCO and Council of Europe instruments examined in Part I have built the normative architecture the field requires. What the architecture has lacked is the operational implementation layer at the organizational level. Cross-case evidence partially eliminates R7 (Legal Formalism Barrier): each of the four legal systems represented in the cases

supplied entity forms within which constitutional-choice architecture could have been drafted; the differential is not the legal system's capacity to supply protection but the institution's having drafted the protection into its own constituting instrument.

Finding 5. Capture's consequences extend beyond the captured institution. The dependent ecosystem of workers and their families, vendors and their families, clients and their families, and community members who built relationships of reliance with the institution sustains compounded harm that existing governance frameworks have not yet systematically documented. The architectural argument the book defends turns on this fact: constitutional-choice protection at the institutional level is the protection of the dependent network through which the institution's mission was actually exercised, not merely of the institution's formal corporate identity.

Chapter 9. Jurisdictional Portability: Common Law, Civil Law, Mixed Traditions

Chapter at a glance: This chapter explains how CDZ travels across legal traditions by holding functions constant while adapting entity forms, amendment procedures, and oversight mechanisms.

LEGAL TRADITION	POSSIBLE VEHICLES	EXISTING STRENGTHS	CDZ ADAPTATION
Common law	CIC, CLT, benefit corporation, charitable trust	Statutory asset-locks, trust restrictions, benefit-purpose clauses	Add explicit community standing, four-tier knowledge distribution, and distinguish Hamilton/New York as demonstration jurisdiction rather than universal scope.
Civil law	Fondation, Stiftung, stichting, cooperative society	Founding deed, registry oversight, cooperative membership rules	Draft CDZ principles into the founding act and amendment procedures.
Mixed systems	SCIO, PBO, nonprofit corporation hybrids	Combination of trust, corporate, and foundation tools	Select the vehicle that best supports mission-lock, asset-lock, and remedies.
Indigenous governance	Traditional councils, customary law, legal holding entities	Community authority grounded in Indigenous governance traditions	CDZ should supplement legal holding forms, not displace substantive Indigenous authority.

9.1 The portability claim

The seven CDZ principles are formulated at the level of function rather than at the level of legal form. Constitutional-Choice Anchoring is the meta-principle; the seven principles are operative across any entity form that supplies the four structural features each principle requires, mission entrenchment with constitutional-choice amendment threshold, asset arrangements bound by use-restriction provisions, formalized community accountability with binding remedies, and amendment procedures requiring the constituting community's structural standing in substantive change. Each major legal tradition supplies entity forms with these features, although the configurations vary. The portability claim is that CDZ's architectural form can be drafted into the entity forms each tradition supplies, with adjustments for local procedural requirements but with the analytical content preserved across systems.

The portability claim rests on the empirical record from Chapter 8: the four legal systems represented in the four-case study (Germany, China, Netherlands, United Kingdom) each provided entity forms within which constitutional-choice architecture could have been drafted. Where the institution drafted the available provisions into its constituting instrument, the architecture held; where the institution did not, the institution remained vulnerable regardless of the legal system's availability of mission-durability tools. The apparent differential is not the legal system's capacity to supply protection; it is the institution's having drafted the protection into its own constitutional documents.

9.2 Common-law vehicles and the demonstration-jurisdiction problem

Common-law jurisdictions supply several entity forms suited to CDZ implementation. The United Kingdom's Community Interest Company (CIC) framework, established under the Companies (Audit, Investigations and Community Enterprise) Act 2004, supplies asset-lock and mission-lock architecture as statutory features; CIC constituting instruments must specify a community-benefit mission, must include statutory asset-lock provisions, and are subject to oversight by the CIC Regulator. The CIC form is, at the constitutional level, already substantially CDZ-compatible; what CDZ adds is the four-tier knowledge-distribution architecture (CDZ-6), the formalized community-accountability provisions with binding remedies (CDZ-3), and the explicit cross-jurisdictional language (CDZ-7).

The United States provides several common-law vehicles. The Community Land Trust (CLT) movement supplies a constitutional-choice framework for land-asset protection through the CLT's ground-lease structure, mission-lock provisions in the CLT's articles of incorporation, and community-board governance with structural standing for the constituting community. State-level Benefit Corporation statutes, available in roughly forty-five U.S. states as of 2026, supply mission-lock provisions for for-profit-form mission-driven organizations; the Benefit Corporation form is asymmetric to the nonprofit form but supplies the constitutional-choice architecture for mission protection in for-profit contexts. State charitable-trust law supplies the third common-law vehicle: charitable trusts established in jurisdictions with mature trust law (New York, Massachusetts, California, the District of Columbia, several others) can codify mission protection at the constitutional level through the trust deed, with asset arrangements bound by trust law and amendment procedures requiring court approval for substantive change.

The Hamilton Policy Codex Volume I.1 (the New York Model Legislation), prepared by the present author and circulating for scholarly consultation, is the first demonstration jurisdiction rather than the scope of the CDZ project. New York is used because it offers a demanding federalist, common-law setting in which private-law entity design, public-benefit regulation, charitable-trust principles, land-use protection, and constitutional limits on state action must all be held together. In this volume, Hamilton Policy functions as Exhibit A of the method: it shows how the universal architecture can be translated into a specific statutory instrument once a jurisdiction, legal tradition, heritage community, asset structure, governance vulnerability, and remedy pathway have been examined. The same method may generate different instruments for Indigenous governance contexts, customary-law communities, transnational diasporic institutions, monastic or religious foundations, municipal cultural districts, or post-industrial adaptive-reuse organizations.

This distinction prevents a category error. CDZ is not a single prescription to be administered uniformly across all heritage communities. It is a diagnostic and drafting method. The Hamilton Policy Codex supplies one federalist common-law prescription; it does not exhaust the policy family. For this reason, the legal analysis below treats New York as a demonstration jurisdiction and the model provisions in Appendix A as jurisdiction-portable templates, not as a command that every community adopt New York's statutory form.

Three statutory precedents in U.S. law supply the drafting foundation on which the Model Legislation builds. The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. § 2000cc, demonstrates that Congress has recognized the particular vulnerability of community-based organizations to government burden and has supplied a heightened protection standard (compelling governmental interest pursued through the least restrictive means) as the appropriate judicial standard when government action threatens such organizations. The Model Legislation extends equivalent heightened protection to community cultural-heritage organizations. The New York Public Health Law § 2801-a, operative since 1996, supplies a common-law-jurisdiction precedent for the kind of external governance review CDZ's mission-protection provisions require: the statute requires Public Health and Health Planning Council approval at the governance moments (incorporation, ownership change, asset disposition) at which institutional capture most frequently occurs in healthcare nonprofits. The Wilson College precedent, the 1979 case in which the Pennsylvania Attorney General intervened to prevent a college closure that would have alienated a charitable trust's assets, supplies the case-law foundation establishing that mission-bound assets cannot be converted to incompatible use through ordinary corporate procedures, and that founding-community standing to enforce mission protection can be recognized in courts of competent jurisdiction.

The Model Legislation supplies four further mechanisms whose drafting is more developed than the present book's templates can fully reproduce. First, a covenant benefit ledger tracking government benefits received by the CDZ-designated organization (tax exemptions, grants, below-market lease rates, expedited permits) and establishing recovery rights against government entities that subsequently abandon the covenant relationship in ways that facilitate capture. Second, government complicity provisions establishing standing for the founding community to seek remedy against governmental actors whose conduct contributed to capture, distinct from but parallel to the private rights against captured-organization actors. Third, a private right of action enforceable directly in courts of competent jurisdiction, with mandatory attorney-fee award on prevailing-party basis and injunctive relief without the bond requirement that would otherwise place injunctive remedy beyond a founding community's practical reach. Fourth, a force majeure and exploitation prohibition automatically extending

covenant-notice periods during crisis events (pandemic, disaster, major economic disruption) plus twenty-four months thereafter, with a presumption of exploitation against actors who attempt acquisition, mission redirection, or asset transfer during or immediately after such events. Together these mechanisms convert the seven CDZ principles from architectural statement into enforceable rights with concrete remedies. The present volume's Appendix A supplies the constitutional-choice templates; the Model Legislation supplies the comprehensive statutory drafting these templates presuppose.

9.3 Civil-law vehicles

Civil-law jurisdictions supply analogous entity forms with longer institutional histories than their common-law counterparts. The continental European foundation (the *fondation d'utilité publique* in France, the *Stiftung* in Germany, the *fondazione di partecipazione* in Italy, the *stichting* in the Netherlands) supplies mission-durability architecture through the foundation's endowed-purpose structure, mission-lock provisions in the founding deed, asset arrangements bound by foundation law, and amendment procedures requiring registry or court approval for substantive change. The foundation form is, at the constitutional level, often more durable than its common-law analogues, because civil-law foundation law typically requires explicit governmental or judicial approval for amendments to the founding deed.

The cooperative society form, available across civil-law and mixed-system jurisdictions, supplies the entity vehicle within which CDZ-3's formalized community accountability can be most directly implemented. Cooperative bylaws can include mission-lock provisions at the cooperative's constitutional level, asset-lock arrangements through cooperative-property restrictions, and member-accountability mechanisms through the cooperative's membership structure. Site D's implementation in the Dutch *broedplaatsen* framework illustrates the cooperative form's capacity to support full constitutional-choice architecture for community-based cultural organizations.

9.4 Mixed systems and Indigenous governance frameworks

Mixed-system jurisdictions (South Africa, Quebec, Scotland, Louisiana, Israel) supply hybrid entity forms drawing on both common-law and civil-law traditions. The South African public-benefit organization, the Scottish charitable incorporated organization (SCIO), and the Quebec *personne morale sans but lucratif* each combine features of the common-law charitable trust and the civil-law foundation. CDZ implementation in mixed-system jurisdictions can draw on either or both traditions, with the architectural form identifying the structural features required and the local entity vehicle supplying the procedural specifics.

Indigenous governance frameworks supply a distinct family of vehicles whose relationship to CDZ is more carefully drawn. Where Indigenous communities operate cultural-heritage organizations under their own governance traditions (traditional councils, hereditary leadership, customary law structures) CDZ's formal constitutional-choice provisions can supplement but do not replace the Indigenous governance traditions through which the community's authorship of its own cultural practice is exercised. The book's posture toward Indigenous governance is one of structural deference: the seven principles can be drafted into the Western legal-system entity vehicles through which Indigenous communities sometimes hold their cultural-heritage

organizations for legal-system purposes, but the substantive governance authority resides within the Indigenous community's own traditions.

9.5 What CDZ adapts; what it holds constant

The portability analysis specifies what CDZ adapts across legal traditions and what it holds constant. CDZ adapts the entity vehicle (CIC, CLT, charitable trust, fondation, Stiftung, cooperative society, mixed-system equivalents); the procedural specifics of constitutional amendment (supermajority thresholds, registry approval, court approval, member-vote requirements); the regulatory and oversight context (CIC Regulator, charity commission, foundation registry, cooperative federation); and the language of mission specification (calibrated for the institution's founding character and the legal system's drafting conventions). CDZ holds constant the seven principles' architectural functions; the constitutional-choice anchoring of mission, asset, and accountability provisions; the four-tier knowledge-distribution architecture; the formalized community accountability with binding remedies; the explicit cross-jurisdictional drafting that supports portability across system transitions.

The chapter closes Part III's constructive specification of Cultural Development Zones as governance form. The seven principles, the empirical record, and the portability analysis together compose an architectural answer the diagnostic literature has invited. Part IV turns to the policy horizon: the multilateral pathway through which the architectural form can find institutional uptake in the policy moment the MONDIACULT 2025 Outcome Document has opened.

PART IV

Policy horizons

Chapter 10. From MONDIACULT 2025 to the Post-2030 Agenda

10.1 The MONDIACULT moment

The MONDIACULT 2025 Outcome Document, adopted in Barcelona at the close of the 2025 edition of MONDIACULT (29 September–1 October 2025), marks an important moment in the international heritage regime’s policy trajectory. The Outcome Document reaffirms and operationalizes the 2022 MONDIACULT Declaration’s framing of culture as a global public good and prepares the ground for culture’s formal incorporation into the post-2030 development agenda the United Nations system is now developing. Multiple ministerial delegations at the 2025 conference invoked the global-public-good framing in their opening statements; the Outcome Document itself adopts the language as the framing for international cultural-policy cooperation across the next decade.

The framing matters for the present book’s argument because public-good and global-public-good frameworks generate institutional implications that go beyond the cultural-rights and cultural-diversity frames the prior international heritage regime operated within. A public good, in the standard economic specification, is non-rival and partially non-excludable; its provision is unstable under unrestricted-market conditions and typically requires institutional architecture to be sustained. The global-public-good framing extends this analysis: provision of the good cannot be left exclusively to state-level action because the good crosses state boundaries and benefits humanity as a whole. The framing creates institutional pressure for governance architecture that operates above the state level (where intergovernmental coordination secures provision against state-level under-investment) and below the state level (where organizational structures within civil society sustain the practices through which the good is actually produced).

CDZ is offered, in this framing, as one operational form for the below-state-level architecture culture-as-global-public-good requires. The seven principles supply the constitutional-choice architecture through which heritage organizations sustain their public-good function across pressure events that would otherwise erode it. The MONDIACULT moment is the policy window in which this proposition can move from scholarly framework to multilateral instrument.

10.2 Culture as global public good: institutional implications

The institutional implications of the global-public-good framing operate across three registers. The first is the multilateral-coordination register: state parties and intergovernmental bodies must coordinate provision of the good in ways that are calibrated for the good’s cross-border character. The 2025 MONDIACULT Outcome Document’s provisions for international cultural cooperation supply this register in operational form. The second is the policy-space register: state parties must maintain national cultural policies that protect the conditions for the good’s production within their jurisdictions. The 2005 Cultural Expressions Convention supplies this register, with the post-2025 work focused on extending its application. The third register (the focus of the present book’s contribution) is the institutional-governance register: organizations through which the good is actually produced require constitutional-choice architecture sufficient to sustain their public-good function across pressure events the multilateral and policy registers cannot themselves reach.

Without the third register, the first two registers' contributions are conditional on dynamics they cannot themselves govern. Multilateral coordination secures intergovernmental cooperation; it cannot enter the institution and protect mission. National policy defends the policy space; it cannot enter the institution and govern asset arrangements. Both registers presuppose that the institutions through which culture-as-global-public-good is produced will continue to exist and to operate as the constituting community established them. The third register supplies the architecture that makes that presupposition durable.

10.3 A UNESCO Recommendation on Heritage Community Governance

The multilateral instrument best suited to recognizing CDZ-style governance architecture, on the present argument's reading of the post-MONDIACULT policy moment, is a UNESCO Recommendation rather than a Convention. UNESCO Recommendations are non-binding instruments adopted by the General Conference and addressed to member states; they articulate normative standards and operational practices in advance of the binding-instrument process and frequently serve as the precursor to Conventions or as the operational extension of Conventions already in force. The Recommendation form is suited to the present moment because the substantive architecture CDZ supplies is operational rather than normative, and because the relationship between the architecture and the existing four-instrument framework is one of completion rather than supplementation.

A UNESCO Recommendation on Heritage Community Governance would articulate normative standards for the constitutional-choice architecture of community-based cultural-heritage organizations, would supply model provisions adapted to common-law, civil-law, and mixed-legal-system implementation, and would integrate the architecture with the existing Faro Convention, World Heritage Convention, Cultural Expressions Convention, and Culture|2030 Indicators by establishing the institutional-governance layer the four instruments converge upon and explicitly leave open. The Recommendation would not bind state parties to adopt any specific organizational form. It would establish the standard against which member states' implementation of the existing four-instrument framework can include the institutional-governance dimension the framework presupposes but does not itself reach.

The Hamilton Policy Codex Volume I.4, the UNESCO Adaptable Policy Instrument, supplies the drafting outline for such a Recommendation. The Instrument's text is designed to be jurisdiction-portable, to integrate with the existing four-instrument framework rather than to replace any element of it, and to specify the seven CDZ principles in language drafted for multilateral adoption. The present book's policy contribution is to make the Recommendation's substantive architecture available to the international heritage studies field as a coherent proposal whose adoption could move the conversation about culture-as-global-public-good from advocacy to operational form.

10.4 Integration pathways with existing instruments

The Recommendation's integration with the existing four-instrument framework operates through four pathways. With the Faro Convention, the Recommendation supplies the institutional-governance specification through which Article 4 and Article 12's participatory rights become structurally durable; the Article 6(c) disclaimer remains in force, and the Recommendation operates at the institutional level Article 6(c) explicitly

leaves open. With the World Heritage Convention, the Recommendation supplies the steward-protection layer that complements the Convention's site-protection mandate, with the seven principles operating at the level of the stewardship community rather than at the level of the inscribed property. With the Cultural Expressions Convention, the Recommendation supplies the institutional-governance specification within the policy space the Convention defends, ensuring that policy-space protection translates into institutional-form protection at the organizational level. With the Culture|2030 Indicators, the Recommendation supplies the governance-resilience indicators that extend the framework's output measurement to include the institutional conditions under which output is sustained.

The integration is constructive rather than substitutive. None of the four existing instruments is replaced or amended by the Recommendation. Each is completed by it: the institutional-governance layer the four instruments' collective trajectory has invited but explicitly declined to enter is supplied by the Recommendation's constitutional-choice architecture. The four-instrument framework remains; the Recommendation extends its operational reach into the institutional level the framework has, with increasing precision, identified as decisive.

10.5 Limits and risks of multilateral uptake

The Recommendation's adoption is plausible rather than guaranteed. The conditions on which adoption depends are several. Member-state interest must be sufficient to advance the Recommendation through UNESCO's preparatory process. The relationship between the Recommendation and existing instruments must be drafted in language member states recognize as constructive rather than as prescriptive of their existing arrangements. The architecture must be operationally legible to the heritage organizations the Recommendation addresses, with implementation guidance sufficient to support adoption across diverse legal systems. The book treats the policy horizon as a directional possibility rather than as a forecast; the conditions for uptake will be determined by political and institutional dynamics outside any single scholar's control.

Three risks deserve naming. The first is that the Recommendation is adopted in a weakened form that loses the constitutional-choice anchoring on which the architecture's effectiveness depends. The Recommendation's drafting must preserve the level distinction Chapter 5 establishes; without that distinction, the institutional-governance layer becomes another set of operational-rule recommendations of the kind that have not, on the empirical record, sustained mission integrity across pressure events. The second is that the Recommendation is adopted in a form that becomes captured by the same intergovernmental dynamics Meskell and Bernecker and Franceschini have documented at the World Heritage Committee level. The Recommendation's substantive content must operate at the institutional level even as its adoption proceeds through state-party processes; the integrity of the substantive content under the procedural pressures of multilateral adoption is the practical drafting challenge the Recommendation's preparation will face. The third is that the Recommendation is adopted in a form that translates the institutional-governance provisions into output-indicator targets, with the seven principles reported against external metrics rather than operative as the constitutive provisions of the institutions the principles are designed to govern. The risk extends the same level-distinction analysis the first two risks rest on. Provisions reported against indicators operate at the operational level and are amendable under the indicator-capture pressures the level-distinction analysis identifies. The Recommendation's preamble and implementation guidance must specify that the institutional-governance layer is constitutive rather than

instrumental: the architecture exists to protect community stewardship as an end, with sustainable-development indicators appropriate as measurement of the conditions the architecture sustains, not as the substantive content of the institutional provisions themselves. The integrity of the constitutional-operational distinction across the indicator interface is the practical drafting requirement the Recommendation's preparation must hold.

The Conclusion that follows gathers the threads. The book offers the form not as a complete solution to the governance gap but as a direction, the architectural answer to a brief the diagnostic literature has been writing for two decades, made operationally specifiable by the empirical record, and rendered politically eligible by the MONDIACULT moment now under way.

Conclusion

The Governance Form the Framework Has Invited

This book has argued that the four-instrument international heritage framework converges at a single threshold: the institutional level at which heritage communities exercise their stewardship. The convergence is structural, not accidental. International instruments operate through state parties and intergovernmental processes; they can recognize, protect, defend, and measure, but they cannot, by their nature, enter the individual organization and govern its constitutional-choice terms. Each instrument the book has examined (the Faro Convention, the World Heritage Convention, the Cultural Expressions Convention, the Culture|2030 Indicators) reaches the limit of its form at this same threshold. None fails within its proper domain. All terminate, by the form their drafters gave them, at the level of the institution where the recognized rights are exercised or lost.

Cultural Development Zones is offered as the governance architecture for that level. The seven principles, anchored by the meta-principle of Constitutional-Choice Anchoring, deriving each from the elimination of a rival hypothesis the empirical record raises, drafted into the existing entity forms each legal tradition supplies, and portable across common-law, civil-law, and mixed-system jurisdictions, specify the constitutional-choice provisions through which heritage communities retain authorship of their own cultural practice across the institutional pressures that would otherwise displace it. The architecture is not new in every part. Its components stand on existing institutional records. Its integration is the contribution. The level at which the components are anchored is the structural feature that determines whether the architecture holds or fails under pressure.

The four-case empirical record reported in Chapter 8 supports governance architecture as a differential variable. The captured case (Site B) had operational excellence and lacked constitutional-choice architecture. Protected cases (Sites D and E) had constitutional-choice architecture and held mission integrity across pressure events comparable to those the captured case faced. The contested case (Site C) demonstrates that physical-site protection without stewardship-community protection produces preservation of the building and displacement of the community simultaneously. The pattern is structural. It is observable across the legal systems examined here. It is what the seven CDZ principles are designed to address.

The MONDIACULT 2025 Outcome Document's framing of culture as a global public good supplies the multilateral framing within which a UNESCO Recommendation on Heritage Community Governance becomes plausible. The Recommendation would establish the institutional-governance layer the existing four-instrument framework has invited but explicitly declined to perform itself. The book's policy contribution is to make the Recommendation's substantive architecture available to the international heritage studies field and to the multilateral process as a coherent proposal. The conditions for uptake are political and institutional; the substantive architecture is what scholarship can prepare in advance of the political moment.

The book closes with three observations. The first is that the architectural form is offered with the appropriate humility about its scope. CDZ is one disciplined attempt at an architectural answer the diagnostic literature has invited. It is not the only possible answer. The framework is offered for the field's testing, refinement, contestation, and use. Other architectural forms will emerge from comparable empirical and

analytical work; the seven principles are formulated at the level of function precisely so that alternative implementations can engage them on their own terms.

The second is that the form is offered in conversation with the literature the book has named. Lixinski's diagnostic case is the predecessor to which the present book offers the constructive answer. Smith and Harrison supply the diagnostic vocabulary the architecture answers. Meskell's ethnography and Bernecker and Franceschini's institutional analysis document why the work cannot be accomplished within the existing intergovernmental architecture alone. Ostrom's commons-governance tradition supplies the analytical apparatus the seven principles stand on. Wolterstorff's account of inherent rights and justice-as-shalom supplies the normative grounding the architecture is built to protect. The book's position in this neighborhood is that of a constructive architecture offered for the field's engagement, not as a final word but as a disciplined contribution to a conversation the field has been having for two decades.

The third is that the work is offered in honesty about what motivates it. The book is, in the precise sense the methodology requires, a work of scholarship that is also a work of witness. The architecture it proposes is offered for the same reason scholarship in this tradition has always been offered: so that the institutions through which heritage communities steward what has been entrusted to them may be more durably protected. Isaiah's figure of the repairer of the breach and the restorer of paths to dwell in is, in the present setting, neither rhetorical nor parochial. It is the work the heritage tradition's most disciplined practitioners have always understood themselves to be doing. The present book is offered as one architectural contribution to that work.

One further metaphor the heritage-studies tradition's practitioners may find useful. The Japanese craft tradition of kintsugi, developed across centuries of Buddhist and Shinto practice and brought to scholarly attention in the cultural-stewardship register by Makoto Fujimura, mends broken pottery not by concealing the fracture but by joining the fragments with gold lacquer, so that the history of breaking becomes integral to the beauty of the renewed vessel. Adaptive-reuse cultural heritage (the disused factory, the decommissioned shipyard, the abandoned warehouse, reanimated by a community whose vocational labor converts derelict structure into living institution) has often been described in language that approximates the kintsugi ethic. The fractures in the building's history (industrial decline, displacement, abandonment, gentrification pressure) are neither concealed nor sentimentalized in the renewed institution. They are acknowledged, named, and structurally addressed through governance arrangements designed to prevent repetition. Read in this register, the seven CDZ principles are the structural form the kintsugi ethic takes when applied not to a single vessel but to the institutions through which adaptive-reuse cultural heritage is sustained. The architecture is the gold lacquer through which what was broken is held against further breaking. The metaphor is offered for what it is: an image to think with rather than a doctrine to defend, and a way of saying that the work the architecture supports is the work of mending the conditions under which heritage communities can hold authorship of their own cultural practice across the pressures the empirical record documents.

Appendix A

CDZ Model Provisions: Drafting Templates

This appendix supplies model constitutional-choice provisions that express the CDZ method in jurisdiction-portable form. The Hamilton Policy Codex Volume I.I (the New York Model Legislation) supplies one fuller statutory implementation of the method in New York State; the templates below are not derived from New York as universal prescription. They are drafting prompts through which institutional counsel can translate the universal architecture into the specific entity form, jurisdiction, founding character, stewardship tradition, and threat environment of the institution under examination. The provisions operate at the constitutional-choice level of the institution's primary constituting instrument (articles of incorporation, charter, founding deed, or equivalent) and are not suited for inclusion in bylaws, board policies, or operational procedures, which are amendable through the same mechanisms whose pressures the constitutional-choice provisions are designed to resist.

A.1 Constitutional-Choice Anchoring (meta-provision)

Section 1. The provisions of this Article shall constitute the constitutional-choice provisions of the Institution and shall be amendable only by [supermajority threshold appropriate to the entity form, e.g., two-thirds vote of the constituting community at a duly noticed meeting] and only with the [registry approval / court approval / charity commission approval] required by the entity form for amendments to the founding instrument. No provision of bylaws, board policies, operational procedures, or other secondary governance instruments shall be construed to amend, modify, or supersede the provisions of this Article.

A.2 Mission Distinctiveness Protection (CDZ-4)

Section 2. The Institution's distinctive cultural mission is hereby established as: [operational specification of the founding mission, in language sufficient to be operationally testable: what the mission requires, what it excludes, what activities are within and outside its scope]. The Institution shall not undertake any activity inconsistent with the mission as so specified, nor amend the mission specification except as provided in Section 1 of this Article.

A.3 Structural Market Buffer (CDZ-5: Asset-Lock)

Section 3. The real property and other capital assets of the Institution are subject to a permanent asset-lock. The Institution shall not transfer, sell, mortgage, lease for terms exceeding [duration appropriate to entity form], or otherwise alienate any capital asset to any person or entity not bound by equivalent asset-lock and mission-lock provisions. Any transfer in breach of this Section is voidable at the instance of the constituting community and shall be remedied by restitution to the Institution or transfer to a successor entity bound by equivalent constitutional-choice provisions.

A.4 Formalized Community Accountability (CDZ-3)

Section 4. The constituting community of the Institution (defined as [operational specification: founding members and their successors in interest, members of record, beneficiaries of the mission, or other definition appropriate to the institution]) shall have structural standing in the governance of the Institution. Specifically: (a) substantive amendments to this Article require the constituting community's approval at the threshold specified in Section 1; (b) institutional partnerships essential to the mission shall be formalized in written covenantal agreements with mutual obligations, accountability provisions, and binding remedies for breach; (c) the constituting community shall have standing to seek judicial or arbitral remedy for breach of the provisions of this Article.

A.5 Mission Codification Architecture (CDZ-6: Four-Tier Knowledge Distribution)

Section 5. Institutional knowledge shall be maintained across four distributional tiers: (a) governance-tier documentation embedding decision-making protocols, institutional values, and mission-lock provisions in this constituting instrument and in supporting bylaws; (b) operational-tier documentation specifying roles, responsibilities, and procedures sufficient for functional continuity across personnel transitions; (c) relational-tier formalization of community partnerships in institutional rather than personal agreements; and (d) documentary-tier preservation of institutional history, governance decisions, and operational records in accessible formats. No individual's departure from the Institution shall render inaccessible more than [one tier] of institutional knowledge.

A.6 Independent Assurance (CDZ-2: Isomorphic Resistance Architecture)

Section 6. Governance documentation, asset arrangements, and mission compliance shall be subject to independent professional audit at intervals not exceeding [three years]. Audit findings shall be reported to the governing body and to the constituting community oversight assembly. The audit shall include assessment of the Institution's adherence to the constitutional-choice provisions of this Article, the four-tier knowledge distribution required by Section 5, and the formalized accountability provisions required by Section 4.

A.7 Structural Turbulence Buffer (CDZ-1)

Section 7. The Institution shall maintain financial reserves at the constitutional level sufficient to absorb [n months / specified threshold] of operating expenses without recourse to external financing or asset alienation. The reserves shall not be exhausted, drawn upon, or repurposed except by the procedure specified in Section 1. The Institution shall maintain crisis-response protocols specifying escalation procedures, the constituting community's standing in crisis-period decisions, and mechanisms by which short-term pressure is converted into deliberation rather than into structural concession.

A.8 Jurisdiction-Adaptive Framework (CDZ-7)

Section 8. This constituting instrument is drafted for implementation in [primary jurisdiction]. Equivalent provisions in alternative legal systems through which the Institution's mission could be sustained, in the event

jurisdictional change becomes necessary or desirable, are: [list of equivalent entity vehicles in alternative jurisdictions, e.g., Community Interest Company under United Kingdom law; fondation d'utilité publique under French law; Stiftung under German law; cooperative society under [civil-law jurisdiction] law]. The Institution's mission, asset arrangements, and accountability commitments are intended to operate consistently across these alternative implementations, with adjustments only for the procedural specifics of the entity vehicle adopted.

A.9 Drafting notes

The provisions above are templates and require institutional-counsel adaptation. Four drafting principles apply across the templates. First, the constitutional-choice level must be preserved: amendments require the higher threshold the entity form supports, and no secondary instrument may amend or supersede the provisions of this Article. Second, the language must be operationally testable: vague mission statements are amendable through interpretation, and the templates require precision sufficient to be tested against operational decisions. Third, the constituting community must have structural standing: provisions that exclude the constituting community from the amendment process do not satisfy CDZ's requirements regardless of how generously they may be drafted in other respects. Fourth, the demonstration jurisdiction must not be confused with the architecture itself: Hamilton Policy shows one New York/federalist implementation, while other heritage communities require instruments prescribed after examination of their own legal and relational conditions.

Appendix B

Implementation Checklist for Heritage Organizations

This appendix supplies an implementation checklist for heritage organizations considering CDZ adoption. The checklist is organized in four phases, each corresponding to a stage in the adoption process. The phases are sequential; an organization should not advance to the next phase before completing the prior phase's work. The checklist is descriptive rather than prescriptive: each item identifies a step the organization should complete and the questions the step is designed to answer. Institutional counsel and constituting-community deliberation are required at every phase.

Phase 1: Diagnostic assessment

(1) Identify the current entity form and the level at which mission protection currently operates. Are mission, asset, and accountability provisions in the constituting instrument (constitutional-choice level) or in bylaws and board policies (collective-choice level) or in operational procedures (operational-rule level)?

(2) Identify the constituting community in operational specification. Who are the members of the founding community? Who are their successors in interest? What standing does the community currently have in the institution's governance?

(3) Identify recent or anticipated pressure events. Funding crises, leadership transitions, real-estate appreciation, partnership opportunities, regulatory changes, market integration. What governance vulnerabilities have these events exposed or might expose?

(4) Identify the institution's *mētis*. What practical knowledge has the founding community accumulated that the institution's formal documentation does not yet capture? Where is this knowledge held? What would be lost if the bearers of this knowledge departed without successors?

Phase 2: Constituting-community deliberation

(5) Convene the constituting community for deliberation on CDZ adoption. The deliberation should address: the mission specification (Section 2 of the model provisions); the constituting-community definition (Section 4); the asset arrangements (Section 3); the four-tier knowledge distribution (Section 5); the audit and assurance arrangements (Section 6); the financial-reserve and crisis-response arrangements (Section 7); the jurisdiction-portability provisions (Section 8).

(6) Document the deliberation. The constituting community's engagement with each constitutional-choice provision is itself part of the institutional record the four-tier knowledge distribution requires. Documentation of the deliberation supplies the founding-period evidence that future generations will need to interpret the provisions in their original sense.

Phase 3: Drafting and adoption

(7) Engage institutional counsel to draft the constitutional-choice provisions for the entity form the institution operates under. The model provisions in Appendix A are templates; jurisdiction-specific drafting is required.

(8) Adopt the constitutional-choice provisions through the procedure the entity form requires for amendments to the founding instrument. The adoption may require constituting-community approval, registry filing, court approval, or other procedural steps appropriate to the entity form.

(9) Update bylaws, board policies, and operational procedures to align with the constitutional-choice provisions. Where existing secondary instruments are inconsistent with the new constitutional-choice provisions, the constitutional-choice provisions govern.

Phase 4: Operationalization and review

(10) Implement the four-tier knowledge distribution required by Section 5. Document the institutional knowledge across the four tiers within [twelve months] of adoption. Review the documentation for completeness.

(11) Formalize community accountability arrangements required by Section 4. Convert advisory and grant relationships into covenantal agreements where they are essential to the mission. Provide the constituting community with the documentary record of these formalizations.

(12) Conduct the first independent professional audit required by Section 6 within [eighteen months] of adoption. Report findings to the governing body and the constituting-community oversight assembly. Address any deficiencies through the procedures the constitutional-choice provisions specify.

(13) Schedule periodic constituting-community review of the constitutional-choice provisions at intervals not exceeding [seven years]. The review supplies the deliberative occasion at which substantive amendments, if any, can be considered through the procedures Section 1 specifies. The review is itself a structural protection: regular, deliberate engagement with the constitutional-choice provisions sustains the founding community's authorship across generational transitions.

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List of Abbreviations

AHD	Authorized Heritage Discourse (Smith, 2006)
CDZ	Cultural Development Zones
CETS	Council of Europe Treaty Series
CIC	Community Interest Company (United Kingdom)
CLT	Community Land Trust (United States)
Faro Convention	Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199, 2005)
IGO	Intergovernmental organization
MONDIACULT	UNESCO World Conference on Cultural Policies and Sustainable Development
OUV	Outstanding Universal Value (World Heritage Convention)
SDG	Sustainable Development Goal
SSRN	Social Science Research Network
UNESCO	United Nations Educational, Scientific and Cultural Organization
WHC	World Heritage Convention (UNESCO, 1972)