

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

Donata Anna Garsia

ORCID 0009-0001-3175-8936

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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 does not reach. The book asks whether a governance form exists that carries forward what the framework has begun, works at the level the framework leaves open, and is specific enough for scholars, policymakers and heritage organizations to take up.

I believe such a form can be specified, that it travels across legal traditions, and that the present moment has opened a policy window in which a proposal of this kind may be taken up faster than the last two decades would have suggested. The MONDIACULT 2025 Outcome Document has reaffirmed culture as a global public good. The post-2030 development agenda is taking shape in the wake of the Sustainable Development Goals' first cycle. I call the form 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, including 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 trust law that governs charitable endowments in the common-law tradition.

The argument is a general architecture, and New York is its demonstration jurisdiction. This volume treats the Hamilton Policy Codex, including the New York Model Legislation, as a worked federalist example of the CDZ method rather than as the prescription for every heritage community.

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, and the policy instrument itself then has to be prescribed for the particular community and its legal setting. A post-industrial community and an Indigenous one 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 general architecture.

The architecture rests on one reading of heritage, that it is relational before it is administrative. It is the set of connections through which a community holds its inherited encounter with what it values. Those connections run among people, across time, to the land that holds the practice, and between the theory and the practice through which a stewardship tradition sustains itself. Recognition without protection cuts these connections, and administrative procedure without relational integrity wears them down, while indicators without governance architecture measure them only after the conditions they need to survive have already weakened. This book identifies the constitutional-choice level at which relational heritage can be held against the pressures that would dissolve it. It then sets out the legal functions and governance mechanisms through which heritage communities keep those connections as the conditions of their stewardship change.

Read this way, the seven CDZ principles are protective. 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.

This is the architectural volume, which establishes the diagnosis, the method and the portable governance form. A companion volume follows as the empirical and implementation volume, and it carries the architecture into a specific case where adoption 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 six steps, followed by one demonstration step. The map is here so the reader does not have to hold the whole architecture in mind while working through the legal, empirical and policy material.

STEP	CORE POINT	WHERE DEVELOPED
1. Recognition	Faro names the heritage community and recognizes its members' rights.	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 moves 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.

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. 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 means building governance architecture at the level the framework has named and explicitly declined to enter, which is the level of the institution itself, the organization through which a heritage community carries on 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. Critical heritage studies has called for that task for two decades, and the MONDIACULT 2025 moment gives it a new policy setting. The book argues that a governance form exists, that it can be specified, that it travels across legal traditions, and that it is one possible operational layer for the institutional gap the international framework has left open since Article 2 of the Faro Convention named and defined the heritage community twenty years ago. It names that form Cultural Development Zones and sets out its seven constitutional-choice principles. It then tests them against the rival hypotheses the empirical record raises, examines the arrangements that inform them across multiple cases and legal traditions, and traces the multilateral route by which the form could be taken up.

Much of the form already exists. 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 a statutory asset lock and a community interest test. 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 long institutional histories. The book's contribution is to integrate these components into a single architectural template, to identify the level at which each must be anchored if it is to be structurally protective, and to set out how the template relates to the international heritage framework's normative commitments.

The book makes its case in one setting, 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 turn a derelict structure into a living institution. Markusen and Gadwa's 2010 study of creative placemaking, which the United States National Endowment for the Arts later adopted as the framework for its placemaking initiatives and which has been applied internationally, gave researchers a way to measure what such organizations contribute culturally and economically. 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 governance architecture in this book answers that pattern by anchoring, at the constitutional-choice level, the protections that let the founding community keep its authorship through the pressures that success brings.

1.2 The heritage studies diagnostic tradition

For two decades critical heritage studies has been writing the brief that this book tries to answer. The diagnostic vocabulary has become precise. In 2006 Smith named the authorized heritage discourse, the expert-driven, state-legitimized, materially-focused discourse through which heritage has historically been defined, valued, and protected. Naming it let the field see how heritage communities had been shut out of deciding what their own heritage is. Harrison's dialogical heritage took the analysis further by proposing a relational alternative, a heritage that refuses the split between expert and community and treats heritage as an ongoing negotiation. In 2013 Winter called for a constructive critical heritage studies that would move from identifying exclusion to designing alternatives. 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. Lixinski names the exclusion mechanism with precision, documents how it operates across regimes and identifies the conceptual space in which the field's re-imagination might take place. The present book draws on Lixinski's legal analysis to examine how community standing, mission-bearing assets, and accountability might be secured within heritage organizations. Its contribution is a proposed organizational design, developed alongside rather than in place of the legal and participatory approaches discussed in this literature.

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 is lost.

These contributions converge around a shared brief, and 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. Heritage scholarship has developed participatory and commons-based institutional approaches (Alonso González 2014; Gould 2017; Lekakis 2020). This book draws on that work to examine how community standing, mission-bearing assets, knowledge continuity, and accountability may be secured together within a heritage organization's constituting arrangements. CDZ's contribution is the proposed integration of these functions, rather than the claim that institutional responses begin here.

The book draws on governance scholarship from outside critical heritage studies and ties it to the heritage studies tradition through the four-instrument hierarchy at the heart of the argument. Critical heritage studies has the diagnostic vocabulary, and 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, and the rights-and-justice tradition supplies the normative grounding the architecture is built to protect. CDZ is meant to connect them.

1.3 The argument of this book

First, each of the four instruments of the international heritage framework (the Faro Convention, the World Heritage Convention, the Cultural Expressions Convention, and the Culture|2030 Indicators) has reached the structural ceiling of what its form can accomplish. Each has reached the limits of its proper domain and discloses those limits itself. 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. This disclaimer is the precise legal acknowledgment of what a framework convention can accomplish and what it cannot. Part I reads each of the four instruments to find where, by its own form, its protective reach ends.

The 2003 Convention for the Safeguarding of the Intangible Cultural Heritage 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. That is why the 2003 Convention stays in the wider diagnostic field but is not one of the four instruments in this volume's institutional-governance sequence.

Second, all four instruments stop at the same level, the organization through which heritage communities exercise their stewardship. International instruments operate through state parties and intergovernmental processes. They recognize, protect, defend, and measure, and none of the four enters the individual organization to 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, reform and improved implementation can support organizational protection; they do not substitute for the governing arrangements through which that protection is exercised. The gap between the international framework's recognition and the institution's governance 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. 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, developed through the adjudication of the rival hypotheses the empirical record raises. The form 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 architecture arrives at a moment that favors it. 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. The horizon is the work of Part IV.

The five claims make one argument. The diagnosis of where the international framework stops depends on the constitutional-choice analysis of why operational-level reform cannot hold, and the specification of the seven principles depends on the diagnosis of where the framework has invited the architectural answer. The portability claim depends on specifying the principles by function rather than legal form, and the horizon depends on all the rest.

1.4 Method and sources

The book uses three methods, in different chapters and for different ends. The first is comparative legal and textual analysis of the four international instruments and their official explanatory and implementation documents, 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-adjudication 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 analysis combines 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 adjudication 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 developed through this method. Chapter 7 traces how the adjudicated explanations inform them.

Elinor Ostrom's *Governing the Commons* (1990) is the book's model for institutional design. Its 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) give the book its account of rights, which inhere in persons rather than being conferred by state recognition or social contract, and of 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. Pairing the two joins an account of rights to a model of institutional design, and through that pairing the book draws on both the critical heritage studies tradition and the 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 came out of a method, the Institutional Analysis and Development framework (E. Ostrom 2005), applied at the constitutional-choice level to cases 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 adapts that approach, at the same

analytical level, to a different matter. Cultural-heritage stewardship within community-based organizations is the resource. The chief privation is displacement, the reordering of authorship that follows when a place becomes valuable. Applied faithfully, the method produces what fits its object. The seven principles are the present architecture of the framework, not a number dictated in advance by the method. 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, and these materials constitute the empirical, methodological, and theoretical record on which the integrated argument rests. While Hamilton Policy supplies one demonstration jurisdiction in a federalist, common-law setting, the CDZ framework supplies the general architecture and method. The book integrates and extends the substrate, so readers of the SSRN papers will find its spine recognizable and the rest of the book new.

1.5 A note on terminology

Heritage community is used in the constructive sense Faro's Article 2 supplies, as 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. 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 name of the framework, and the book uses it 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, meaning the receiving, holding, and transmitting of what one did not invent and cannot alienate. The term has roots in several theological and philosophical traditions, and heritage studies uses it in a secular, pluralist way for communities of practice that carry inherited goods their practices aim to sustain. Wolterstorff's account of justice as shalom (the restoration of right relationship and dwelling-in) stands behind the book's use of the term, and it is open to readers of any confession because Wolterstorff works within mainstream rights theory.

Place, practice, and *mētis* recur from Chapter 6 onward. Place is used in the spatial-temporal sense Dolff-Bonekämper recovered, the embedding of cultural significance in physical landscape and built environment. *Mētis* is used in James Scott's sense, as 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.

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, is among the most conceptually ambitious instruments in the international heritage regime. Its ambition lies in what it recognizes. For the first time in a binding international heritage instrument, the Convention named and defined the heritage community, and it moved the center of heritage determination from the expert classification scheme to 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 and named the community.

In Smith's account, authorized heritage discourse works by ranking expert authority above 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 becomes a tool that serves the community's constituting purpose.

This inversion is the Convention's contribution and also its problem, because 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, that 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 and leaves the structural work that follows to others, because a framework instrument cannot perform it 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, in which people choose to identify with and protect specific cultural resources. Voluntary membership does not in itself resolve questions of representation, internal authority, or dissent. These remain governance questions within the heritage community.

Lauso Zagato emphasized the heritage community's constructed character. Where so-called natural communities rest on shared ethnicity, territory, and history, a heritage community is formed by members, possibly dispersed across borders, who continually and voluntarily reaffirm their commitment, and the same person may belong to more than one. Such communities, Zagato observes, do not pre-exist the process of valuation, and they cease to exist when it is interrupted. A community constituted through practice has structural protection for that practice only where governance architecture supplies it. The Convention names the subject and leaves the architecture unspecified.

The constructed definition is the Convention's decisive move and also its decisive limitation. The heritage community as Faro names it is the community whose stewardship the international framework invites us to protect but cannot itself reach. Wolterstorff's account of inherent rights provides this book's normative grounding for what the Convention recognizes. On that account, heritage communities have rights to retain authorship of their own cultural practice because rights of this kind inhere in persons by virtue of the goods their practices are oriented toward sustaining. The Convention recognizes those rights and does not confer them.

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 right is a right to participate and to contribute toward enrichment, which makes the rights-holder an active contributor to the heritage process. 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 Convention leaves unspecified. The Convention's framework character (a feature it shares with several Council of Europe instruments) is the legal form through which it operates. It sets out principles and directional mandates without imposing specific institutional arrangements. The framework form 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 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. Where the rights find structural expression in the institution's constituting instrument, they are durable. Where they do not, they are aspirational and, under sufficient pressure, displaceable. The Convention names the rights and asks state parties to encourage their realization. Making the rights structurally durable 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 plainly that no provision of the Convention shall be interpreted so as to create enforceable rights. The Convention's Explanatory Report (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 enforce in court the rights it recognizes.

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, but it cannot itself perform that work. To read the disclaimer as a deficiency is to mistake the kind of instrument the Convention is for the work it asks others to do.

The Convention's normative achievement stops at Article 6(c)'s threshold. Beyond that threshold, two kinds of work are necessary. The first is national implementing legislation, in which state parties translate the Convention's commitments into domestic legal frameworks and statutory protections. Article 5(c) itself asks parties to ensure that legislative provisions exist for exercising the right set out in Article 4. Twenty years after the Convention's adoption, this work has progressed unevenly. The second is governance architecture inside the heritage organizations through which heritage communities exercise the participatory rights the Convention names. Heritage organizations produce this second kind of work in their own constituting instruments, and CDZ proposes to make it specifiable.

2.5 Twenty years of implementation

Ratification remains partial across the Council of Europe's forty-six member states. Among recent ratifications, San Marino ratified in 2024 and Romania in 2026, while the Netherlands signed in 2024 without having ratified. The Convention's normative authority is established. By the Convention's own design, it reaches the organizations that make up heritage communities only through later action by the state. 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, and some state parties have produced national strategies for the implementation of the Convention's principles.

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

The Faro Way, a joint project of the Council of Europe and the European Commission, shows the pattern at work. It sought national authorities' commitment to the Convention's principles and showcased concrete examples of their implementation, which 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, which is where the participatory architecture either becomes structurally durable or is left to the discretion of whoever holds operational authority at the time. The framework form produces this pattern, because state action stays at the state level and only the institutions themselves reach the institutional level, when it is reached at all.

Italy's ratification law of 2020 (Law No. 133 of 1 October 2020) set out implementing measures and a dedicated annual budget. Those measures work through state cultural policy and do not, by their own scope, address the constituting instruments of the cultural foundations and associations through which much Italian community heritage is held. Portugal, which signed at Faro on the day the Convention opened and ratified it in 2009, shows a

similar pattern at the level of national heritage policy. The pattern is that the form of state-party implementation cannot, by itself, reach the institutional level where participatory rights are made durable in practice.

2.6 What Faro establishes; what it cannot reach

The Convention names and defines the heritage community, affirms the right to participate, inverts the AHD's expert-driven scheme at the normative level, and places the values question, why heritage matters to living people, at the front of the heritage law conversation. These contributions are large and lasting. Its twenty-year implementation record shows 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 of the heritage organization's constituting instrument, where the inversion either holds or is undone in practice. Article 6(c) is the textual marker of the limit. Twenty years of implementation experience point the same way. The participatory rights Articles 4 and 12 articulate become structurally durable or stay fragile at the institutional level, depending on the institution's own constitutional-choice provisions: whether mission, asset arrangements, and accountability relationships are entrenched at the constitutional-choice level and amendable only there, or held at the operational-rule level and amendable through the routine processes by which operational decisions accumulate. The Convention asks state parties to encourage participation, and it 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 proposed as the operational layer the Convention leaves to others. Where the Convention affirms everyone's right to take part in cultural heritage (Articles 4 and 12), CDZ's Formalized Community Accountability principle proposes the constitutional-choice provisions that give that participation institutional standing. 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 attempt at that organizational work.

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 States Parties, is the foundational instrument of the modern international heritage regime. Its mandate is material. 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 physical heritage the Convention protects is the ground on which heritage communities carry out their stewardship.

The Convention's material orientation is both its strength and its limit. Its mechanisms are built for the protection of physical fabric, so state parties take on obligations to conserve inscribed properties while the Committee monitors compliance and the Fund supports conservation work. The framework is operationally mature, and its protections attach to properties rather than to the stewardship communities through which inscribed sites become and remain heritage. The Convention's Operational Guidelines call for the participation of local communities in the identification, management, and protection of properties and encourage equitable governance arrangements and redress mechanisms, addressed to States Parties as management practice (paragraphs 12 and 117).

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 cannot reach the constitutional-choice provisions of the institutions that hold the site's stewardship. The Convention works faithfully within its mandate, and the organizations in which the community-site relationship is sustained or severed are constituted under domestic law.

3.2 Outstanding Universal Value and the limits of inscription

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. How States Parties have interpreted the criterion has a literature of its own (Labadi 2013); the question here is narrower: what the criterion can protect once a site is inscribed. OUV's structural limitation is the same limitation Faro's Article 6(c) discloses. The criterion can identify what should be protected, but 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 but, by the form of the Convention itself, cannot be 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 Sites without communities: the empty monument

Gabi Dolff-Bonekämper, in her 2009 essay on the spatial and temporal frameworks of heritage, showed that heritage is spatial as well as temporal, 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 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.

A protected building without its stewardship community is a monument to a heritage that is ending. That is the pattern wherever an inscribed property's stewardship community has been displaced or hollowed: the physical fabric remains while the *mētis* through which the fabric was meaningful does not. Visitors to such properties experience them, often, as beautiful and inert. The aesthetic register of the site is intact while 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 in protecting the building, but by its form it cannot 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. Site protection guards against decay, encroachment, fire, and war, while steward protection guards institutional integrity, mission durability, asset arrangements, and leadership transitions. The two are mutually presupposing in practice but 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 Convention protects what stewards have built, and CDZ is designed to protect the stewards through whose work the building remains heritage.

3.4 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 registers physical deterioration but cannot register the slow displacement of stewardship that produces deterioration in advance, because the displacement occurs at a level the procedure does not reach.

Where the stewardship bond is held structurally, it is held by constitutional-choice provisions in the institution's constituting instrument, together with the tenure and public support Chapter 8 records. CDZ's

Structural Market Buffer principle proposes asset-lock and use-restriction provisions that keep 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. 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.

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 was adopted at the 33rd General Conference in October 2005 and entered into force in March 2007. It is the international heritage regime's most direct engagement with cultural diversity in an age of globalized cultural markets. Its stance on the marketization of culture sets it sharply apart 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. From its founding text it rejects the treatment of culture as an ordinary tradeable commodity.

That rejection is what the Convention adds to the international heritage regime. Market pressure treats the heritage organization as a service provider to tourism and consumption markets, and the heritage community's lived practice as content to be packaged for outside 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 and to support institutions whose work the unrestricted market would not sustain.

Policy-level protection is necessary, because without the protection state parties retain under the Convention, the structural pressures toward cultural commodification operate unchecked at the institutional level downstream. It is also insufficient, because the institutions through which cultural diversity is actually produced and sustained are governed by their own constituting instruments under domestic law.

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 defends the policy space. The internal governance of the organizations that occupy it is set by domestic law and by the instruments through which those organizations are constituted. The gap comes from the level at which the Convention works. The 2005 Convention is calibrated for state-party action at the national policy level, so the institutions operating within the protected policy space are, by the Convention's own scope, beyond its reach.

Harrison's 2013 dialogical heritage framework helps name what is at stake in the gap. Read through the present inquiry, cultural diversity requires both the preservation of diverse expressions and 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 cultural content repurposed. The 2005 Convention recognizes the state's role in defending the policy space for authentic authorship, but it cannot, by its form, defend the organizations through which authorship is exercised.

Nearly two decades of implementation bear this out. State parties have used the Convention's policy space to maintain content quotas and to subsidize national film and music sectors. The Convention's quadrennial periodic reports document these state-level interventions in considerable detail. They are not designed to record what happens inside the cultural organizations that operate within the protected policy space, where capture and mission drift occur. The pattern is the same one Faro's implementation record discloses, because state-level protection holds at its own level while institutional-level protection requires architecture at the institutional level.

CDZ's Mission Distinctiveness Protection principle, developed in detail in Chapter 7, carries this protection into the individual institution. Under the principle, the institution's constitutional document names its distinctive cultural mission and entrenches it, so that fiscal or governance pressure cannot quietly reframe it. Any substantive change to the mission then becomes a constitutional-choice question rather than an operational decision. 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. Mission replacement need not entail institutional closure. An organization may retain its name and assets while departing from its founding purpose. The 2005 Convention defends the policy space, and CDZ proposes to defend the institutions that put the Convention's commitments to cultural diversity into practice.

4.3 Culture|2030 and the indicator logic

The UNESCO Culture|2030 Indicators framework, published 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 maps its indicators to SDG target 11.4, which addresses the protection and safeguarding of the world's cultural and natural heritage. Other indicators address cultural employment and cultural participation.

By putting cultural contribution into the SDG monitoring system, Culture|2030 makes the cultural sector legible to the development agenda and to ministries of finance. The 2022 MONDIACULT Declaration framed culture as a global public good, and the 2025 MONDIACULT Outcome Document reaffirmed that framing. Culture|2030's indicators offer a way to make it measurable. With indicators, culture can be shown to contribute to outcomes the development agenda already values.

The framework's structural limitation is the same one that runs through the four-instrument hierarchy. Culture|2030 measures cultural output, but it does not yet measure the organizational governance conditions under which that output is sustained. Heritage communities whose governance structures are captured can cease to generate the cultural outputs the framework tracks. A measurement system that records output without recording the governance resilience that produces it will register the disappearance of cultural production only after the structural conditions for that production have already been destroyed.

4.4 Output without resilience: the lagging measurement problem

The lagging-measurement problem 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. Mature indicator systems have typically responded by developing 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. 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. The first is the constitutional-choice level entrenchment of the institution's mission, that is, 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, that is, 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, that is, 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 and founder departures among them, with the institutional response evaluated against the constitutional-choice provisions in force at the time of the event.

Together, the four would give Culture|2030 the leading indicators it has not yet developed, and CDZ's seven principles supply the governance content those indicators measure. Winter's 2013 call for constructive critical heritage studies argued that the field must offer constructive alternatives as well as diagnostic critique, and adding governance-resilience indicators to Culture|2030 is that kind of move.

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, and 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 well designed on their own terms. Both also reach the limit of their form at the same place Faro and the World Heritage Convention do, the institutional level where heritage communities exercise their stewardship.

Faro names the heritage community and recognizes the rights its members hold, alone or collectively, the World Heritage Convention protects the physical site, the Cultural Expressions Convention defends national policy space, and Culture|2030 measures what culture contributes. Each instrument does what an international instrument can do within its own domain. None gives the heritage communities a dedicated governance mechanism inside their organizations, yet the four instruments have been moving toward those communities with increasing precision.

This is the governance gap the critical heritage studies literature has identified through different vocabularies across the past two decades. Smith's account of authorized heritage discourse names the exclusion mechanism. Harrison's dialogical heritage proposes the relational orientation the alternative requires. Lixinski's 2019 monograph shows with particular precision that the UNESCO heritage treaties, taken together, have kept local communities from having a say in how their heritage is managed, and it calls for their re-imagination. Read together, these works point to a single observation, that the organizational level is where the recognized right meets or fails its structural condition. It is also a level the international framework leaves to domestic law and to the organizations themselves. Cultural Development Zones is offered as the governance architecture for that level.

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

Smith's (2006) critique of authorized heritage discourse directs attention to how authority over heritage is established and whose understandings are marginalized. This chapter draws on that critique to examine how those patterns may be reproduced or challenged through organizational governance. Waterton and Watson documented a gap between participatory language at the international level and participatory practice at the institutional level.

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

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 institutional governance and the daily operational decisions through which heritage organizations determine what they preserve and whose voice counts in the determination. 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 governance literature documents and the cases in Chapter 8 illustrate.

The first is trustee composition. Heritage organizations are typically governed by boards of trustees drawn mostly from the credentialed professional classes whose expert authority the AHD privileges. This often happens without anyone intending it, through the recruitment patterns and social networks that fill trustee positions. 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. At the trustee level, the Faro inversion remains an aspiration the operational arrangements do not carry out.

The second is professional advisory dominance. Heritage organizations work with professional advisers, curators and lawyers among them, and in the daily running of the organization their advice is structurally privileged over the community's voice. The privilege reflects the legitimate expertise the professionals bring and the genuine usefulness of their advice. It becomes a problem when, decision after decision, professional advice keeps displacing community valuation in deciding what the organization does and why. The AHD operates here through aggregation. Each decision in which professional advice prevails over community valuation is defensible on its own, but together those decisions are 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. No governance body announces the drift or acknowledges it as a change of mission. It builds up

through small operational accommodations to fiscal pressure and donor preference, and through the routine processes that produce operational decisions. 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. At the operational level, the same dynamics that work in any cultural organization erode the Convention's recognition of the heritage community's right to retain authorship of its own cultural practice. The institutional-theory tradition has documented these dynamics for decades, and the international framework's normative inversion alone leaves them unanswered.

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 because the Convention operates at a different level from the one where the AHD does its operational work. Holding the inversion is work for the institutional level, and by its own design the Convention does not do that work.

Meyer and Rowan's 1977 account of formal organizational structure as institutionalized myth supplies three concepts that explain how apparently protective governance forms become hollow. The first is decoupling, in which formal structures are maintained as ceremonial facades while actual governance operates elsewhere. The second is isomorphic conformity to field-level expectations, which eliminates the structural distinctiveness through which a community-based organization might otherwise resist environmental pressure. The third is 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 gives the vocabulary for tracking decoupling across institutional fields. Coercive isomorphism arises from regulatory and funding pressures, mimetic isomorphism comes from uncertainty, and normative isomorphism comes from professionalization. Where mission protection operates at the operational-rule level, all three isomorphic mechanisms can erode it. Funding criteria apply coercive pressure, peer organizations' governance models invite mimetic conformity, and professional credentialing adds normative pressure. Each produces small operational adjustments, and over time the adjustments displace the mission without any single one 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, because its voice is not anchored at the constitutional-choice level, its only effective response to operational drift is exit. Founding personnel leave, and the relational network through which *mētis* was sustained dissolves. The exit option is, in the heritage-organization context, a structural defeat, because the founding community's exit is what the captured organization seeks to engineer and it completes the displacement that operational drift initiated. Constitutional-choice anchoring of the constituting community's structural standing converts exit pressure into voice pressure, so the same energy goes into the deliberation the institution's preservation requires instead of into its dissolution. The conversion is the structural mechanism CDZ-3's Formalized Community Accountability is designed to supply.

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 study

documented long-enduring 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 (including 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 offers an analytical bridge to cultural-heritage governance. Heritage organizations work as cultural commons, and their stewardship needs the same constitutional-choice architecture Ostrom documented for natural-resource commons. It has to be calibrated for one difference, because a captured cultural commons cannot regenerate the way a captured natural commons sometimes can. A captured fishery can be repopulated, while a captured cultural institution loses the relational ecosystem of *métis* on which its stewardship depended, and 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	Board-amendable bylaws, board procedures, voting rules, committee structures	More durable, but still 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 distinction concerns decision authority and amendment procedure, not the title of a document alone.

The three levels are nested, each governing the one below it, and the nesting is asymmetric. A pressure felt at the operational level can be absorbed by changing operational rules, while the collective-choice and

constitutional-choice rules above them stay as they are. A pressure that would change those higher rules has to get past the higher amendment thresholds they impose.

The asymmetry is the pivot of the 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 moves the pressures that produce drift from the operational register to the constitutional register. There the deliberation they require can be seen as a deliberation about mission, instead of a string of accommodations in which no single step ever rose to a deliberation at all.

5.4 Why operational-level reform cannot hold

The constitutional/operational distinction helps explain why well-intentioned governance reforms in the cultural and heritage sector can leave mission protection vulnerable to later amendment. Reforms that operate at the operational-rule level (better board recruitment and improved community-consultation protocols) 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.

Reforms that operate at the collective-choice level (changes to board-amendable bylaws or voting procedures) are more durable, but remain amendable by the operating board through procedures the board itself controls. Collective-choice protections are real, but on their own they may not last through 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.

The four cases reported in Chapter 8 are consistent with this analytical claim. The cases that sustained their cultural use across documented pressure events (Site D (Amsterdam) and Site E (Liverpool)) rested on arrangements set above ordinary operational decision: foundation governance, a multi-year operational plan, and secure tenure at Site D, and the statutory asset lock of Baltic Creative CIC at Site E. Cases that experienced capture or contested intervention (Sites B and C) had governance protections, where they had them at all, at the operational-rule or collective-choice level. The comparison does not separate the level at which protection was anchored from tenure, finance, or public-policy support.

5.5 The architectural implication

For heritage organizations, then, mission protection needs governance provisions anchored at the constitutional-choice level of the institution's constituting instrument. Those provisions can be written into existing entity forms across legal traditions, the Community Interest Company and the Stiftung among them, with adjustments for each form's own amendment procedures, as Chapter 9 sets out.

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. Six of the seven 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. The principles are developed through the adjudication of the rival hypotheses the empirical record raises. Each is then drafted as a model provision, adaptable to the entity forms each legal tradition supplies, that operates at the constitutional-choice level with the amendment threshold appropriate to constitutional change.

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

In this book, institutional capture means more than corruption or 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 Stiglerian in origin, going back to George Stigler's 1971 economic analysis of regulatory capture. Applying it to community-based cultural and religious organizations takes the wider institutional-theory toolkit, with Selznick on cooptation, DiMaggio and Powell on isomorphic pressure, Carpenter and Moss on corrosive capture, and Edelman on legal endogeneity. Read together through the present inquiry, these traditions suggest that capture starts at the constitutional-choice level and then works through operational effects that the institution's ordinary governance procedures cannot readily reverse.

The captured and contested cases in Chapter 8 disclose different routes by which control over place and practice can move away from a founding community. At Tacheles, the association's legal identity did not secure control of the premises. At 798, the district's physical continuity coexisted with a reordering of community authority. These routes use the ordinary tools of institutional pressure, and the institutional-theory literature documents them. What sets the heritage case apart is a mismatch. The international framework's protections are built for state-party action and physical-site protection, while the mechanisms work inside the institution's constituting instrument and its day-to-day arrangements.

In the cases examined here, the organizations most exposed to capture were among those that had achieved the most measurable success. That fits Stigler's capture asymmetry, in a field he never studied. 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. So the protection is for the successful institutions, the ones whose excellence has put them at risk, which turns the usual order of governance advice around. Excellent institutions need constitutional-choice architecture more, because they have more to lose and have built more that capture-prone actors will value.

Mary Douglas's 1986 book *How Institutions Think* explains why the communities that capture harms so rarely see it happening. Selznick showed how cooptation draws outside interests into an organization's governance, and Stigler argued that capture is economically rational. Carpenter and Moss identified corrosive capture as a distinct form, and Edelman showed that organizations can reshape the meaning of legal compliance itself. Douglas's account explains the cognitive dimension of capture's invisibility, which none of these accounts explains. On her account, institutions make their arrangements look natural by tying social conventions to categories that seem given, so the people inside can no longer see that the arrangement was built. When a capturing entity takes governance control of a community-based cultural organization, it takes the authority

and then makes the new arrangement look natural, grounding it in an analogy that hides the capture from the people working inside the institution's thought world. An acquiring entity can, for example, reframe an acquisition through the analogy that community development entities exist to serve communities, an analogy that maps the transfer of governance authority from a founding community to a development entity onto a category, community service, that the institution's members experience as natural rather than constructed. The analogy makes 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 gives the larger structure within which Douglas's mechanism works. 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. Read in Bourdieu's terms, captured cultural-heritage organizations are organizations in which the heteronomous principle has overridden the autonomous principle. 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 are designed to keep 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 are designed to keep the heteronomous political principle from determining the institution's cultural commitments without the structural standing of the constituting community.

6.2 Mission drift as *privatio boni*

Mission drift is the slower cousin of institutional capture. Capture displaces mission through nameable mechanisms, at distinct moments of pressure. Drift does it through small operational accommodations that pile up, none of them large enough to register as a change. The institution's self-description continues to reference the founding mission, and its annual report tells a story of continuity. Yet over time the substance of the mission has moved somewhere the founding community would not recognize, one small accommodation at a time, and no governance body ever called any of them a change of mission.

The Augustinian formulation is that mission drift is *privatio boni*, a privation of the good rather than a substantial evil. Drift empties out the good that was there. The building, the name and 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, because it follows from architecture or its absence. The founders and trustees may keep serving in good faith the whole time, and the mission still depends on whether the architecture holds it against the build-up of operational pressure.

Ebrahim, Battilana, and Mair (2014) identify mission drift as an acute governance risk for social enterprises whose social purposes depend on market-generated revenue. The cultural-religious organizations this book is concerned with work across the same mission-and-market boundary, so the finding reaches their protection too. Chris Cornforth's 2012 critique of board-focused nonprofit governance research argued that effective governance needs mechanisms that reach across organizational boundaries instead of stopping at the operating board. Both

line up with the constitutional-choice analysis. Drift happens at the operational level, and the answer to it is constitutional-choice architecture, because operational fixes help only at the margin while structural protection is built to hold through pressure events.

6.3 Place, practice, and *mētis*

When a heritage community is pushed out of its institution, the knowledge that kept the institution's heritage practice going over time leaves with it. Three things are at stake: place, practice, and *mētis*. 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. Heritage stewardship is the integration of the three, and capture and drift disintegrate it even when the visible institution survives in name. In *Seeing Like a State*, Scott showed that centralized rationalization, the drive to make things legible, simple and standard, wipes out the practical knowledge that complex social systems run on. 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 leaves professional management and operational discipline in place. It protects place, practice, and *mētis* at the constitutional-choice level, so that operational decisions, however necessary in the moment, cannot accumulate to the point of severing them without the deliberate and visible action of the constituting community. Three of the principles set out in Chapter 7 do this work. Mission Codification Architecture spreads institutional knowledge across four organizational tiers (governance documentation, operational protocols, relational formalization, and documentary preservation), so that no single departure or transition leaves the institution without the records, relationships, and practice through which its *mētis* is passed on. Structural Market Buffer binds the institution to its physical place through asset-lock and use-restriction provisions, so fiscal pressure cannot sever the two. Formalized Community Accountability gives the constituting community the structural standing to contest decisions that would pull place, practice, and *mētis* apart. The three principles together do not eliminate the pressures that threaten this integration. 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. Capture can also produce 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 can sustain injuries that existing governance frameworks have not yet systematically named. When a community-based cultural-heritage organization is captured, the founding community's loss is the easiest to see, but the wider

losses can add up to more. They fall on the artisans whose practice the institution supported, the educational programs whose participants relied on the institution's presence, and the regional cultural economy whose ecosystem the institution anchored. Capture can dissolve the dependent network the institution sustained. Constitutional-choice protection at the institutional level therefore also protects the dependent network, because the institution is the anchor that holds the network together when capture would otherwise break it up.

6.4 Seven rival hypotheses adjudicated against the record

The CDZ framework's seven principles are developed through the adjudication, 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 method that does the adjudicating is the Dominican *disputatio*, adapted as a governance research method in the author's prior methodological paper.¹ The protocol states each rival hypothesis in its strongest available form and tests it against the cross-case record. Each rival then receives a graded status. Adjudication assigns weight; it does not discard, and an explanation that does not suffice alone is retained wherever it keeps contributory force or marks a boundary condition.

The correspondence below identifies the principal design response developed from each assessment. It is not a necessary one-to-one derivation: several rivals may inform one principle, and one rival may disclose more than one design requirement.

R₁, Environmental Turbulence, hypothesizes that capture follows from external environmental pressures that overwhelm even well-governed institutions. Comparable turbulence met divergent outcomes, since the protected cases (Sites D and E) continued under equal or greater pressure while the captured case lacked the constitutional-choice architecture that would have made resilience structurally durable. The rival is insufficient as a sole explanation and is retained as a pressure condition. This assessment informs 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. Professional norms and funding conditions pressed every case toward sector-standard forms, and Site D professionalized under municipal requirement without displacement of its mission. The rival is partially supported as a mechanism of mission drift. This assessment informs CDZ-2, Isomorphic Resistance Architecture.

R₃, Relational Community, hypothesizes that strong relational bonds within the constituting community are sufficient for mission protection. The captured organization had genuine relational community, but its relational strength conferred no standing or remedy once external leverage shifted. The rival is insufficient as a complete safeguard and is retained as a resilience resource. This assessment informs CDZ-3, Formalized Community Accountability.

R₄, Mission-Environment Displacement, hypothesizes that organizations whose founding commitments differ from the purposes of the surrounding environment are progressively displaced by that environment regardless of internal governance. Every case operated within public, market, and regulatory systems not organized around its constituting mission, yet displacement tracked external leverage and regime protection

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

rather than the surrounding environment alone. The rival is retained as a contextual and boundary condition. This assessment informs 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. Market pressure reached every case, and the protected cases kept their mission under comparable or greater pressure where protective instruments were available. The rival is substantially supported as pressure and insufficient alone to explain divergent outcomes. This assessment informs CDZ-5, Structural Market Buffer.

R6, Judgment/Discernment Primacy, hypothesizes that genuine communal discernment is sufficient for mission protection without the need for structural codification. Values and considered judgment animated governance in every case, but the surrounding order supplied no instrument through which the captured community's judgment could bind the holders of external leverage. The rival is insufficient as a structural safeguard and is retained as a source of judgment and formation. Discernment and codification are sequential acts of faithfulness, and this assessment informs 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. Protective instruments were jurisdiction-specific in every case, yet the protective functions they carried recurred across systems. The rival is partially supported, since protective functions travel while legal forms require adaptation. This assessment informs CDZ-7, Jurisdiction-Adaptive Framework.

6.5 The architectural question Part III answers

The four-instrument international heritage framework converges at the institutional level. The framework has done what it can from the international level, and what remains has to happen at the institution's 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, and the patterns are addressed most durably at the constitutional-choice level. Seven rival hypotheses for why some cases experience capture while others maintain mission integrity have been adjudicated against the record, and none suffices alone. These adjudications inform the seven constitutional-choice principles that compose the governance form Part III sets out.

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

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 constitutional-choice level require a higher amendment threshold, whether a supermajority or qualified vote of the constituting community, ratification by named external bodies, or another arrangement through which the founding community retains structural authority over substantive change. That threshold is the structural protection, because pressures that would alter mission must overcome it.

Operationalizing Constitutional-Choice Anchoring requires that each of the seven CDZ principles be drafted into the institution's primary constituting instrument (articles of incorporation, deed of trust, or equivalent) rather than into board-amendable 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. The instrument must distinguish commitments protected against ordinary amendment from any specified commitments intended to be un-amendable, where the applicable entity form permits. Mission provisions not expressly designated as un-amendable remain subject to the constitutional-choice procedure in Appendix A, Section 1. That procedure must preserve the constituting community's role in substantive change. On dissolution, mission-bound assets should pass to a successor entity subject to equivalent protections, insofar as applicable law permits.

7.1 CDZ-1: Structural Turbulence Buffer

The first principle responds to R₁'s adjudication. Structural Turbulence Buffer holds that mission-driven organizations require constitutional-choice provisions designed to maintain governance integrity across environmental pressure events, including funding crises and leadership transitions. 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 can pass straight into governance instability, the condition under which capture-prone actors 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 reserves policies that charity regulators in mature legal traditions already expect trustees to keep. 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 adjudication. 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. Under these provisions the institution still adopts professional practices, but its own constituting purposes decide which ones and how.

The model provision requires governance documentation prepared or reviewed by professionals credentialed in nonprofit governance, community development law, or institutional design, so the institution does not drift toward generic sector norms by default. It specifies a professional audit at least every three years, designed to catch slow drift through accumulated operational accommodations. And it reports audit findings to the governing body and the constituting community oversight assembly, so the audit reaches the community and covers the community-facing side of isomorphic risk. The principle 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 adjudication. 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 takes Cornforth's 2012 call for governance mechanisms that reach across organizational boundaries one step further, because it holds that those mechanisms protect durably only when they are legally enforceable. 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 relationships that, on the empirical record, accompany the protected cases. They include the Kinetisch Noord Foundation's tenancy and funding arrangements with the Amsterdam-Noord district at Site D and the regulated Community Interest Company framework within which Baltic Creative operates at Site E.

The principle rests, at bottom, on Wolterstorff's account of inherent rights. 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. CDZ-3 recognizes the community's rights and makes them operationally durable through the formal accountability the principle requires.

7.4 CDZ-4: Mission Distinctiveness Protection

The fourth principle responds to R4's adjudication. 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 leaves room for ordinary development, because heritage organizations change programs and respond to new publics. 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" suffice only when 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. That means 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. That threshold ensures 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 adjudication. Structural Market Buffer holds that mission-bearing organizations require constitutional-choice provisions that bind the institution to the physical place its mission requires, so that the institution's real property cannot be 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 board-amendable 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.

On the book's normative account, the founding community has a moral claim on the institutional commons (the physical place it has stewarded over time) that precedes statutory recognition, whoever holds legal title. 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 or governmental decree. The asset-lock gives that moral claim the force of positive law inside the institution's own constituting instrument.

7.6 CDZ-6: Mission Codification Architecture

The sixth principle responds to R6's adjudication. 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 in Appendix A, Section 5, specifies the four tiers in operational detail. Because it sits at the constitutional-choice level, the four-tier distribution protects the records, relationships, and practice through which the community's *mētis* is passed on from the effects 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. So the codification CDZ-6 specifies protects the conditions under which *mētis* can be passed on through the leadership transitions and outside pressures that would otherwise carry it off with the people who held it. At Site D, reported in Chapter 8, knowledge and responsibility were spread across the foundation's board, a working organization, and an association of users; CDZ-6 proposes to make such a distribution a constitutional commitment.

7.7 CDZ-7: Jurisdiction-Adaptive Framework

The seventh principle responds to R7's adjudication. Jurisdiction-Adaptive Framework holds that CDZ governance architecture must be designed for adaptation across diverse legal systems. 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. 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. 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. Portability becomes part of the institution's mission-protection architecture, so the seven principles are designed to keep working through whatever legal-system transitions the institution goes through 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 loss 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 definition 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 structural standing for the constituting community in decisions that alter governance. Ostrom's monitoring corresponds to CDZ-2's independent professional audit and its reporting to the constituting community's oversight assembly. Ostrom's graduated sanctions have no direct counterpart until the model specifies a staged response to breach. 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 shows how CDZ applies the commons-governance 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 they 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 proposed architecture draws on the established commons tradition to specify how mission, assets, knowledge, and community standing can be considered together within a heritage organization.

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; registered association (e.V.) on a nominal lease	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; foundation (stichting) within the broedplaatsen policy; secure tenure	Protected	Foundation governance, an operational plan, and user organization sustained cultural occupation, with tensions over community autonomy.
Site E: Liverpool/Baltic Triangle	United Kingdom; Baltic Creative CIC within the Baltic Triangle; secure tenure	Protected	The statutory asset lock kept the company's holdings bound to community benefit under market pressure.

8.1 Methodological recap

Garsia 2026a reports the method in detail, and the four cases were chosen for a theoretical-replication design with one captured outcome (Site B), one contested-intervention outcome (Site C) and two protected outcomes (Sites D and E), spread across four legal systems.

The method works within Bhaskar's critical-realist ontology of three domains. The empirical domain is what can be observed across the cases, whether an organization was captured or protected, whether its mission held or eroded, and whether its founding community stayed on as authoring agent or was displaced. The actual domain is the governance events and decisions that happen whether anyone observes them or not, among them

board votes and asset transfers. The real domain is the set of underlying mechanisms that produce those patterns, which are the constitutional-choice architecture (or its absence), the structural standing of the constituting community (or its absence), and the asset arrangements at the founding instrument level (or their reservation to operational rule levels). The seven CDZ principles are developed through Bhaskar's logic of retroduction, which reasons backward from patterns across the cases to the structural mechanisms likely to have produced them. The principles respond to what the disputatio discloses once the strongest available rival hypotheses have been tested against the cross-case record.

The rival-hypothesis adjudication draws on the Dominican disputatio tradition documented by Mulchahey, Torrell, and Weisheipl and given classic epistemological expression by Aquinas in *Summa Theologiae* I, q. 1, a. 8. Aquinas is cited for one rule of method, that truth is tested by answering the strongest objections in their most disciplined form. Seven rival hypotheses, specified a priori, function as the objectionones of a structured disputatio. They are Environmental Turbulence (R₁), Isomorphic Convergence (R₂), Relational Community (R₃), Mission-Environment Displacement (R₄), Natural Market Forces (R₅), Judgment/Discernment Primacy (R₆), and Legal Formalism Barrier (R₇). Each rival is taken in its strongest available form and tested against the cross-case record. What remains after the disputatio is the responsio, the architectural conclusion the evidence supports. On the record of the cases that follow, each rival receives a graded status, and none suffices alone.

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 turned a disused commercial structure into one of Europe's most internationally recognized creative communities, and over two decades it supported hundreds of artists and produced measurable cultural-tourism impact. By 2012 real-estate leverage over the property had become control over its use, and the community was displaced. That is 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 a community can anchor its institutional arrangements at the constitutional-choice level. The Tacheles artists were organized as a registered association, which gave the community a legal identity, but they held the building under a nominal lease, so the association did not control the premises on which the community depended. When financial pressure on the owners opened the way to an acquisition, the arrangement that had supported the artists' community for two decades dissolved, and the artists had no structural standing in deciding how the building would be used. So even where a legal system offers mature mission-durability options, an institution that has not anchored them at the constitutional-choice level is exposed.

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 grew out of artist occupation of a former industrial complex. Through a contested sequence of state interventions it has been preserved as a physical district while its governance was fundamentally transformed. 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 changed its governance through commercial hybridization, which displaced the founding artists' community from decisions about the district's ongoing cultural commitments.

Site C counts as contested rather than fully captured because of the distinction between physical-site protection and stewardship-community protection that runs through Part I. The Convention's site-protection mechanisms, where applied analogously, would record Site C as a success, because the buildings stand and the district's cultural identity persists. The stewardship-community framework records Site C as contested, because the founding community's authorship has been substantially displaced by state-curated commercial arrangements. The *métis* the original community produced now passes through the decisions of outside curators, who choose in ways the original community would not have chosen. The case shows that the four-instrument framework's site-protection register and its institutional-governance register are separate, because a site can be protected as physical fabric while its stewardship community is displaced as authoring agent.

8.4 Site D: Northwestern European foundation-governed creative community (protected)

Site D is Kunststad at the NDSM Wharf in Amsterdam, a creative community formed in a decommissioned shipbuilding warehouse in the city's northern district. The Kinetisch Noord group of skateboarders, builders, and theater makers won the Amsterdam-Noord district's 1999 competition for temporary cultural use of the warehouse and became the non-profit Kinetisch Noord Foundation in order to act as the district's formal partner. Its arrangements developed within Amsterdam's *broedplaatsen* policy, whose fund required the foundation's board to be composed of non-users (Müller and Köpper 2023).

A multi-year operational plan co-created by the community set out organization, planning, and funding, and responsibility was divided among the foundation's board, a working organization, and an association of about two hundred users. Foundation governance, the operational plan, user organization, and secure tenure sustained cultural occupation for more than two decades, while also producing tensions over community autonomy, since the externally composed board brought outside interests into the project and the original plan was not fully followed. These arrangements inform the CDZ comparison; they are not presented as implementation of the integrated template.

8.5 Site E: Northern European community interest company (protected)

Site E is Baltic Creative CIC, a community interest company within the Baltic Triangle district of Liverpool, a former industrial-and-commercial district reused for creative and digital work. The company operates within the United Kingdom's Community Interest Company framework, established under the Companies (Audit, Investigations and Community Enterprise) Act 2004. Every Community Interest Company carries a statutory asset lock that keeps the value of its assets dedicated to community benefit, and a change to a company's objects requires the approval of the CIC Regulator. Baltic Creative's letting strategy is restricted to creative and digital businesses.

The district faced real-estate appreciation pressure comparable to that experienced by the captured case, and property values rose substantially across the period examined. Baltic Creative's asset-locked holdings remained bound to its mission while adjacent land passed to commercial development. The asset lock protects the value of what the company holds; it does not by itself give the district's wider creative community a governing voice.

8.6 Cross-case pattern: governing arrangements across the four cases

Across the four cases, governing arrangements condition how market, legal, and institutional pressures reach community standing and mission-bearing assets. The comparison does not isolate governance from tenure, finance, or public-policy support, and it does not establish the performance of the integrated CDZ template. 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. The protected cases (Sites D and E) rested on arrangements set above ordinary operational decision: foundation governance and secure tenure at Site D, and the statutory asset lock of Baltic Creative CIC at Site E. The contested case (Site C) shows that physical-site protection without stewardship-community protection can preserve the building while displacing the community.

8.7 Five findings consolidated

Finding 1. Capture follows mechanisms identified in the institutional-theory literature. The captured case (Site B) shows one of the routes Chapter 6 sets out, in which legal identity without control of the premises left the community exposed to real-estate leverage. The institution most exposed to capture was one that had achieved significant measurable success, which suggests that operational excellence leaves an institution exposed when constitutional-choice architecture is absent. The finding extends Stigler's capture asymmetry into the cultural-heritage domain and is consistent with Carpenter and Moss's account of corrosive capture.

Finding 2. Protective governance rests on structural arrangements. What the protected cases (Sites D and E) had in common is that their protections sat above ordinary operational decision. Foundation governance and secure tenure at Site D and the statutory asset lock of Baltic Creative CIC at Site E supplied safeguards that persisted under financial and development pressure. The comparison adds cultural-commons evidence to the discussion of Ostrom's 1990 design principles.

Finding 3. Site protection without stewardship-community protection can preserve the building while displacing the community. 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.

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 instruments leave to others is a layer that puts it into practice inside the organization. The comparison gives R7 partial support: protective functions recur across the cases, but the legal vehicles and available remedies differ. Portability therefore requires jurisdiction-specific adaptation rather than the transplantation of a uniform form.

Finding 5. Capture's consequences can extend beyond the captured institution. The dependent ecosystem Chapter 6 describes can sustain compounded harm that existing governance frameworks have not yet systematically documented.

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 written at the level of function rather than of legal form. Constitutional-Choice Anchoring is the meta-principle. They can work in any entity form that supplies the four structural features each principle requires, which are 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 has entity forms that can carry these features, each in its own configuration and subject to jurisdiction-specific drafting. The portability claim is that CDZ's architectural form can be drafted into the entity forms each tradition supplies, adjusting for local procedure while the analytical content stays the same across systems.

The cases in Chapter 8 inform the portability inquiry by showing different combinations of governing arrangements, tenure, and public support. They do not demonstrate that every legal system examined can implement the complete template. Chapter 9 therefore treats the listed vehicles as starting points for jurisdiction-specific drafting, not as interchangeable legal equivalents.

9.2 Common-law vehicles and the demonstration-jurisdiction problem

Common-law jurisdictions offer several entity forms that suit CDZ. The United Kingdom's Community Interest Company (CIC) framework, established under the Companies (Audit, Investigations and Community Enterprise) Act 2004, supplies a statutory asset lock and a community interest test. CIC constituting instruments must specify a community-benefit mission, must include statutory asset-lock provisions, and are subject to oversight by the CIC Regulator. At the constitutional level the CIC form is already largely compatible with CDZ. 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 most U.S. states, 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 and constitutional limits on state action must be held together. In this volume, Hamilton

Policy functions as Exhibit A of the method, because it shows how the general 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.

CDZ is a diagnostic and drafting method, while the Hamilton Policy Codex supplies one federalist common-law prescription. So the legal analysis below treats New York as a demonstration jurisdiction and the model provisions in Appendix A as jurisdiction-portable templates.

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, shows that Congress has recognized how vulnerable religious assemblies and institutions are to land-use burdens. It supplies 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. New York Public Health Law § 2801-a supplies a common-law-jurisdiction precedent for the kind of external governance review CDZ's mission-protection provisions require, and the statute requires Public Health and Health Planning Council approval at governance moments such as establishment and changes in controlling interests. The 1979 Wilson College case is the case-law foundation the Model Legislation draws on for protecting mission-bound assets against conversion through ordinary corporate procedures. On a petition brought by a trustee, alumnae, students, and faculty, a Pennsylvania court stopped a closure that would have diverted the college's assets to a scholarship foundation for students at other women's colleges, because the trustees had begun winding the college down without the court's approval.

The Model Legislation supplies four further mechanisms drafted in more detail than this book's templates can 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. Enacted, these mechanisms would turn the seven CDZ principles from an 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 have comparable entity forms, often with long institutional histories. 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 that, in several systems, require registry, supervisory, or court approval for substantive change. At the constitutional level the foundation form is often more durable than its common-law analogues, because several civil-law systems require governmental or judicial approval to change a foundation's purpose.

The cooperative society, available across civil-law and mixed-system jurisdictions, is the vehicle in which CDZ-3's formalized community accountability is most directly put in place. 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.

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* draw in different ways on features of the common-law charitable trust and the civil-law foundation. In mixed-system jurisdictions CDZ can draw on either tradition or both, with the architectural form naming the structural features required and the local entity vehicle supplying the procedural specifics.

Indigenous governance frameworks are a distinct family of vehicles, and their relationship to CDZ is drawn with more care. 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. Toward Indigenous governance the book's posture is 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

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 and the constitutional-choice anchoring of mission, asset, and accountability provisions. It also holds constant the four-tier knowledge-distribution architecture, the formalized community accountability with binding remedies, and the explicit cross-jurisdictional drafting that supports portability across system transitions.

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 international heritage policy. The Outcome Document reaffirms the 2022 MONDIACULT Declaration’s framing of culture as a global public good, and it prepares the ground for culture to enter the post-2030 development agenda formally as the United Nations system builds it. The Outcome Document itself uses that language to frame international cultural-policy cooperation.

Treating culture as a public good, or as a global public good, has institutional consequences that reach past the cultural-rights and cultural-diversity frames the earlier international heritage regime worked within. A pure public good, in the standard economic specification, is non-rival and non-excludable, and many cultural goods, premises, and services have those characteristics only in part. An unrestricted market supplies it unreliably, so keeping it supplied usually takes institutional architecture. 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).

In this framing, CDZ is offered as one working form for the architecture below the state that culture as a 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 2025 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, where state parties and intergovernmental bodies must coordinate how the good is provided, in ways suited to the fact that it crosses borders. The 2025 MONDIACULT Outcome Document’s provisions for international cultural cooperation address this register. The second is the policy-space register, where 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. The third register is the institutional-governance register, where 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, what the first two achieve depends on forces they cannot themselves govern. Multilateral coordination secures intergovernmental cooperation, and national policy defends the policy space. Mission and asset arrangements inside each institution are governed by its constituting instrument under domestic law. 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 designed to make that assumption hold.

10.3 A UNESCO Recommendation on Heritage Community Governance

The multilateral instrument best suited to recognizing CDZ-style governance architecture 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, and they can prepare the ground for Conventions or extend Conventions already in force. The Recommendation form suits the present moment because the architecture CDZ supplies is operational rather than normative, and because it would complement the existing four-instrument framework.

A UNESCO Recommendation on Heritage Community Governance would set normative standards for the constitutional-choice architecture of community-based cultural-heritage organizations and would supply model provisions adapted to common-law, civil-law, and mixed-legal-system implementation. It would also tie the architecture to 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 leave open. The Recommendation would not bind state parties to adopt any specific organizational form. It would give member states a standard, so that their implementation of the existing four-instrument framework can include the institutional-governance dimension the framework assumes 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, and to specify the seven CDZ principles in language drafted for multilateral adoption. The book puts the Recommendation's architecture before the international heritage studies field as a coherent proposal. If it were adopted, the conversation about culture as a global public good could move from advocacy to practice.

10.4 Integration pathways with existing instruments

The Recommendation would connect to the existing four-instrument framework in four ways. For the Faro Convention, it would supply the institutional-governance specification that makes the participatory rights of Articles 4 and 12 structurally durable. The Article 6(c) disclaimer remains in force, and the Recommendation would operate at the institutional level Article 6(c) leaves to others. Beside the World Heritage Convention's site-protection mandate, it would add a steward-protection layer, where the seven principles work at the level of the stewardship community. Inside the policy space the Cultural Expressions Convention defends, it would specify institutional governance, so that protection of the policy space carries through to protection of institutional form at the organizational level. And to the Culture|2030 Indicators it would add governance-resilience indicators, which extend the framework's measurement of output to the institutional conditions that sustain that output.

The Recommendation would replace or amend none of the four existing instruments. It would complement each of them, because its constitutional-choice architecture would supply the institutional-governance layer the

four instruments leave open. The four-instrument framework stays in place, and the Recommendation extends its reach into the institutional level this book identifies as decisive.

10.5 Limits and risks of multilateral uptake

The Recommendation's adoption is plausible, and several conditions have to hold for it. 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 heritage organizations the Recommendation addresses must be able to read and use the architecture, with enough implementation guidance to support adoption across diverse legal systems.

The first risk 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 Chapter 5 shows to be amendable under the pressures that produce drift. The second risk is that the Recommendation is captured by the state-party dynamics that operate in any intergovernmental process. The Recommendation's substantive content must operate at the institutional level even as its adoption proceeds through state-party processes. The practical drafting challenge is to keep that content intact under the procedural pressures of multilateral adoption. The third risk is that the Recommendation is adopted in a form that translates the institutional-governance provisions into output-indicator targets. The seven principles would then be reported against external metrics rather than operative as the constitutive provisions of the institutions the principles are designed to govern. Provisions reported against indicators operate at the operational level, so the indicator-capture pressures the level-distinction analysis identifies can amend them. 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.

The book offers the form as a direction for the governance gap, one answer to questions the heritage literature has pressed for two decades. The comparative record informs its specification, and the MONDIACULT moment now under way makes it politically eligible.

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. 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. The argument concerns a limit of direct organizational provision, not a verdict on each instrument's performance within its own domain.

Cultural Development Zones is offered as the governance architecture for that level. Its seven principles rest on the meta-principle of Constitutional-Choice Anchoring and are developed through the book's comparative analysis and adjudication of rival explanations. They are drafted into the existing entity forms each legal tradition supplies and travel across common-law, civil-law, and mixed-system jurisdictions. They 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 level at which the principles are anchored is the structural feature that determines whether the architecture holds or gives way under pressure.

The four cases in Chapter 8 identify governance vulnerabilities and partial protections across the legal systems examined. They inform the proposed architecture; they do not establish its performance as an integrated system.

By framing culture as a global public good, the MONDIACULT 2025 Outcome Document makes a UNESCO Recommendation on Heritage Community Governance plausible. The Recommendation would establish the institutional-governance layer the existing four-instrument framework leaves to others. Whether it is taken up depends on politics and institutions, while scholarship can prepare the architecture ahead of the political moment.

The first observation is that the architectural form is offered with humility about its scope. CDZ is one answer to the questions the heritage literature has raised. The framework is offered for the field to test and use, and other architectural forms will come from comparable empirical and analytical work. The seven principles are written at the level of function so that other implementations can take them up on their own terms.

The second observation is that the form is offered in conversation with the literature the book has named. Lixinski's legal analysis informs the book's inquiry into how community standing, mission-bearing assets, and accountability might be secured within heritage organizations. Smith's critique of authorized heritage discourse and Harrison's dialogical heritage direct attention to how authority over heritage is established, shared, and contested. Ostrom's commons-governance tradition (Ostrom 1990) 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, as a contribution to a conversation the field has been having for two decades.

The third observation 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 is 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 names, in the present setting, the work the heritage tradition's most disciplined practitioners have long understood themselves to be doing.

Kintsugi mends broken pottery by joining the fragments with gold lacquer, so that the history of breaking becomes part of the beauty of the renewed vessel. Makoto Fujimura has made it a central image of his theology of making. 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.1 (the New York Model Legislation) supplies a fuller draft 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 general architecture into the specific entity form and jurisdiction 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). The provisions must be placed in instruments that secure the required decision rights and amendment procedures under the applicable entity form. Their constitutional-choice function depends on who can change them and by what authority, not on the document's title alone.

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 board-amendable 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 an asset-lock, amendable only by the procedure in Section 1. 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, nor devote any such asset to a use incompatible with the mission specified in Section 2. 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 may be drawn upon only under the crisis-response protocols below and shall not be exhausted 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, so 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, because 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, so provisions that leave the constituting community out of the amendment process fall short of CDZ's requirements however generously they are drafted otherwise. Fourth, the demonstration jurisdiction must not be confused with the architecture itself, because 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, so an organization should not advance to the next phase before completing the prior phase's work. Each item names 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 board-amendable bylaws and board policies (collective-choice level) or in operational procedures (operational-rule level)?

(2) Identify the constituting community in operational terms, naming the members of the founding community and their successors in interest. What standing does the community currently have in the institution's governance?

(3) Identify recent or anticipated pressure events, such as funding crises or real-estate appreciation, and ask what governance vulnerabilities these events have 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), and 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, so 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, and 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 the findings to the governing body and the constituting-community oversight assembly, and 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, because regular, deliberate engagement with the constitutional-choice provisions helps sustain 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)