

Centaur and Lapith *metope*,
Parthenon Museum,
Athens

SCHER 2

EUROPEAN INSTITUTIONS,
FINANCIAL INSTRUMENTS,
AND CULTURAL HERITAGE

MODULE 5a

**Contestation and Negotiation in the Heritage—
Human Security “Nexus”**



Heritage Contestation

Definition: A predictable governance condition in which multiple actors make competing claims about a place, object, practice, or narrative (and those claims carry consequences).

CONSEQUENCES OF CONTESTATION:

- Changes in access and land use
- Shifts in funding priorities
- Determination of which communities are recognized or erased
- Shaping what kinds of lives people believe are possible in a place

Key insight: Treat contestation as data, not noise. When people contest heritage, they reveal legitimate claims, fears of loss, entitlements, and beliefs about proper social order.

Contestation is not only about "the past"—it is about authority, control, access, and the distribution of benefits in the present.



Authorized Heritage Discourse and Its Critique

Heritage is not simply a set of objects "out there" waiting to be protected. Heritage is a **social process**—a continual practice of deciding what is significant, why it matters, and who has the authority to say so.

AUTHORIZED HERITAGE DISCOURSE (Smith et al.)

A dominant way of defining and governing heritage in which professional experts and institutions set the terms of value and standards of "proper" care—stabilized through listing criteria, expert reports, management plans, conservation standards, legal protections, museum interpretation, and bureaucratic workflows.

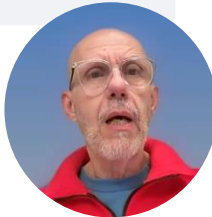
The value of authorization

Expertise and institutional capacity often prevent loss and damage.

The problem with authorization

Authorization is also power—it can narrow participation, marginalize community meanings, and turn "consultation" into managed ritual.

Heritage conflicts become combustible when communities experience heritage governance as something *done to them* in the name of expertise, rather than something *done with them* in the name of shared legitimacy.



A Negotiation-Oriented Toolkit: The Presenting Issue

If heritage is part of human security, then "who authorizes heritage" becomes inseparable from "who defines what human security requires." Without negotiation skills, the nexus is likely captured by the loudest actor, the strongest institution, or the most securitized narrative.

THE PRESENTING ISSUE

When you encounter a contested heritage case, you meet a **presenting issue** first—the thing people say they are fighting about:

- Territorial control
- Reconstruction plans
- Planning permits
- Museum labels
- Religious access rules
- Repatriation claims
- Monument removal
- Development proposals

Critical insight: The presenting issue is real and triggers escalation, but it is rarely the whole conflict. It is the visible surface of deeper layers of stakes, relationships, and legitimacy claims.



Analytical Dimensions: Referent Object (again...) and Stakeholders

COMPETING REFERENT OBJECTS

In contested settings, different stakeholders define competing referent objects:

- "The monument" or "national identity"
- "The local community" and continuity of life/livelihood
- "Minority cultural rights" and safety
- "Economic survival" and the city's fiscal base

Key diagnostic move: See that these are different security stories generating different threat perceptions and success tests.

STAKEHOLDER ANALYSIS

Avoid simply listing stakeholders like ingredients. The real diagnostic question:

Who has power, who has legitimacy, and who has urgency, and how do those attributes combine?

- Actors with most power may lack legitimacy
- Actors with most legitimacy may lack institutional power
- Urgency can be real, manufactured, or strategically performed

This predicts who can veto, litigate, mobilize, disrupt implementation, and grant or withhold social license.



The Interpretive Dimension

The most important diagnostic move: translate public demands into the underlying drivers that define and animate the conflict.

POSITIONS

What someone demands:
"remove the statue,"
"rebuild exactly as before,"
"no development," "full
access"

INTERESTS

The reasons behind
demands: recognition,
safety, livelihood, dignity,
political legitimacy

NEEDS

What must be protected
for continuity and dignity—
often tied to rights,
security, social stability

NARRATIVES

Meaning frameworks that
make some concessions
feel like betrayal, others
possible

When done well, the dispute stops looking like an argument over a single decision and starts looking like a **structured conflict over legitimacy, security, and belonging**—the level at which negotiation becomes meaningful.

Practical lesson: In heritage contestation, you almost never settle conflicts at the level of positions. Positions are where people defend themselves in public—often functioning as red lines. You need to work at the level of **interests and needs**, because that is where solution design becomes possible.



Negotiation Frameworks

Principled Negotiation: Not a vague "soft skill" but a method for settling disputes where interests and narratives run deep. PN is a **formal negotiation model and framework based on 4 pillars**, primarily established by the Harvard Negotiation Project.

PILLAR I

Separate people from the problem

Treat identity and dignity as real, but do not let interpersonal hostility dictate the agreement's substance.

PILLAR II

Focus on interests, not positions

Protect what matters rather than fighting over a single symbolic outcome.

PILLAR III

Generate options and think in packages

Move beyond single-point wins to creative solution combinations.

Also... Know your BATNA

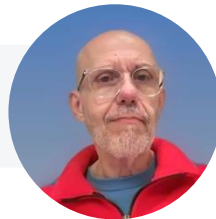
Best Alternative to a Negotiated Agreement—some conflicts persist because stalemate serves someone's interests.

PILLAR IV

Insist on objective criteria

In low-trust environments, legitimacy depends on shared standards that do not feel rigged.

Heritage complication: Sacred values and identity security. When compromise can feel like erasure, **process design is not optional—it is a dignity safeguard.**



Objective Criteria in Negotiation

OBJECTIVE CRITERIA IN HERITAGE CONTEXTS INCLUDE:

Conservation
guidance

Legal
requirements

Safety and risk
assessments

Transparent cost
estimates

Archival
evidence

Social-
impact data

Documented
community values

Key point: Criteria need not be "technical." The key is that criteria are treated as legitimate inputs because parties can recognize them as **fair, reviewable, and not merely instruments of domination**. When that happens, conflict temperature often drops because the process begins to feel defensible.



From Negotiation to Mediated Negotiation

Mediation and Facilitation

Building a structured space where parties can reframe issues, share information without immediate punishment, explore options without committing, and arrive at packages that let each party maintain dignity.

The Mediator's Function (Mediator as “Process Specialist”)

The mediator's primary role is to ensure the four pillars of principled negotiation are upheld: separating people from the problem, focusing on interests, inventing options, and using objective criteria. Also, to manage interaction so it does not reproduce the dynamics—humiliation, distrust, performative escalation—that keep the conflict alive.

When parties cannot successfully apply the principles themselves, a neutral third party (mediator) can intervene to guide them back to a collaborative, interest-based framework.



Joint Fact-Finding (JFF)

The problem: Heritage conflicts become toxic when "facts" become weapons. One side's expert report is treated as propaganda; one side's narrative is treated as falsification; one side's risk assessment is treated as exaggeration.

Joint fact-finding is an exit from that trap.

- HOW IT WORKS:**
- **Neutralizing "Adversary Science":** It prevents parties from using technical data as a weapon, which often leads to stalemates.
 - **Building Trust:** Working together on objective data fosters a collaborative relationship and helps parties understand each other's underlying interests.
 - **Facilitating "Win-Win" Outcomes:** By clarifying the technical reality, JFF helps negotiators find the "trading zone" where mutually beneficial solutions are possible.
 - **Focusing on Criteria:** It aligns with the principled negotiation pillar of using **objective criteria** to settle disputes rather than raw bargaining power.

Outcome: Joint fact-finding does not eliminate disagreement, but it can restore a **shared evidentiary floor** that makes negotiation possible.



Challenges in Negotiating Heritage Disputes

1. ASYMMETRY

A ministry can issue permits. A municipality can enforce zoning. A police force can restrict access. A developer can wait you out. A community can mobilize pressure. A religious authority can refuse cooperation.

When power is asymmetrical, the stronger side may prefer coercion to negotiation. Your job: recognize when an "agreement" is really compliance under pressure.

2. MULTI-LEVEL DYNAMICS

Local conflicts are shaped by national law; national policy is shaped by EU funding and coordination; international frameworks can amplify scrutiny; court decisions can override planning compromises.

Actors seek leverage by shifting arenas—local protests, national elections, international advocacy, litigation, diplomatic pressure.

3. CONFLICTING TIME HORIZONS

Election cycles, funding windows, court timelines, tourism seasons, and the long temporalities of memory and identity. When clocks conflict, impatience invites shortcuts—and shortcuts often arrive in the language of security.

Critical insight: Coercive settlements are unstable. They reproduce grievances, and grievances are slow-burn insecurity (the kind the human security lens helps you see).



"Security" vs. "Human Security" Framing

Sometimes heritage really is under threat in a way that justifies strong measures. But in many cases, **"security" is also a political language used to narrow deliberation.**

The book smugglers of Timbuktu (Sunday Times)

WHEN AN ISSUE IS FRAMED AS AN URGENT SECURITY THREAT:

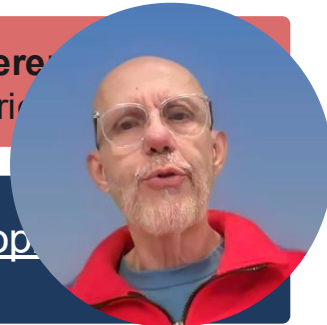
- Authorities can justify exceptional measures
- Reduced participation in decision-making
- Accelerated decisions with less review
- Restricted access to sites or information
- Increased police presence or enforcement



Sometimes this prevents harm (commonly from physical harm).

Sometimes it produces a different harm (legitimacy loss and long-term grief).

The human security question: Does the security framing reduce harm to people and communities, or does it shift harm into a different register?



The “Test of Success” in Negotiating Heritage Disputes

In contested heritage, rarely expect perfect consensus. Aim for something more realistic: **a settlement package and a governance process that reduce harm, protect dignity, and create stable conditions for living with disagreement.**

NEGOTIATE “PACKAGES”

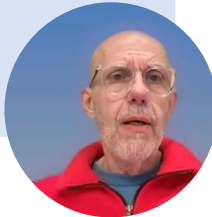
Not only "reconstruct or not" but:

- Design approach
- Interpretive framing
- Access rules
- Memorial/educational programming
- Safeguards against displacement
- Transparent monitoring
- Dispute-resolution mechanism

USE SEQUENCING

- Start where agreement is possible
- Build trust through visible implementation
- Move to harder questions only after trust is established

Trust cannot be demanded. It has to be produced.



Next Week: Case Studies

In Week 2, we will take two or three European cases that are politically thick and historically dense, and practice this craft with discipline.

Kosovo

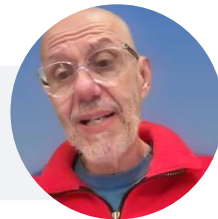
Spain

Cyprus

FOR EACH CASE, WE WILL ASK:

- Begin with “nexus” logic: referent object, risk mechanism chain, success test
- Who contests each of these elements, why, and with what power and legitimacy?
- What makes compromise hard? What are the BATNAs? What is the escalation system?
- What negotiation design would be plausible inside the real governance environment?

Options to explore: mediation, joint fact-finding, sequencing, package settlement, procedural safeguards



Why Do Negotiation Skills Matter?

You are not training to protect objects in isolation. You are training to understand how heritage protection can **reduce harm to people and communities—or intensify it**—depending on how it is governed.

Negotiation is one of the main ways we govern without escalation.

It is how we keep “human security,” rather than symbolic victory, as the metric that matters.

RECAP: Module IV taught us to model heritage as human security. **Module V** teaches you how to act on that model in the world as it is—a world where heritage is never politically neutral, where security claims can be used to narrow deliberation, and where legitimacy is not decorative but a condition of durable outcomes.



Summary Roadmap:

From the Heritage–Human Security Nexus (Module IV) to Contestation & Negotiation I n the Nexus (Module V)

1) Model the nexus (IV)

- Referent object,
- Risk mechanisms ($X \rightarrow Y \rightarrow Z$).
- Success test (human outcomes)



2) Why it becomes contested (V.1)

Disagree on:

- whose security
- what causes harm
- what “success” means



3) Diagnose the dispute (V.1)

- Presenting issue
- Competing referent objects
- Power / legitimacy / urgency
- Positions → interests → needs
- Narratives



4) Design the pathway (V.1)

- Principled negotiation
- Objective criteria
- Process legitimacy
- Joint fact-finding
- Mediation / facilitation



5) Apply in EU cases (V.2)

- Identify contested nexus
- Choose the right tool
- Package + safeguards
- Implementation & monitoring

Critical lens (AHD): expertise is necessary, but can narrow participation and trigger legitimacy conflict — negotiation rebalances voice and authority.

Thank you!

