Partnerships in Heritage Governance and Management

Subjects: Others

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The governance and management of cultural heritage have been gaining remarkable prominence and interest in academic and expert discussions as a complex and multifaceted subject. Cultural heritage governance and management has been shifting from the sole authority of the state and public bodies towards approaches that list multi-actor partnerships in several combinations involving public actors, civil society, private actors and community.

Keywords: cultural heritage; multi-actor governance; public-civil partnership; public-private partnership; public-private-community partnership

1. Public–Civil Partnership (PCP)

A public-civil partnership (PCP) is an alliance of public entities (public authority, public administration, public institutions, public agencies, public enterprises, etc.) and civil actors (associations, organisations, alliances, networks, etc.) sharing rights and responsibilities in governing and managing cultural heritage assets. As such, PCP builds on the principles of participatory governance [1][2][3][4][5][6], entailing the creation of new relations and networks based on open, inclusive and dynamic processes. Political theorist Frank Fischer situates participatory governance in an "institutional void" or institutional cracks of the traditional state where the practices of participatory governance are reflected in a "proliferation of new forms of social and political association" [5] (p. 20). Participatory governance, as a variant or subset of the governance theory, has contributed to the creation of new approaches in governance and management "constructed and shaped by a different brand of social actors" (Ibid.). This implies the rise of the political and social relevance of civil society and non-governmental actors that, by questioning the legitimacy and accountability of the state, open new organisational schemes, taking over public activities to "such a degree that some see them as reconfiguring public sector" [5] (p. 20) and affecting policies of the mainstream institutions. Civil society can thus be understood as a "counterbalance, a control mechanism and corrective of formal state government, a network of institutions and organizations that prevent state's centralization, oligarchizing and arbitrary operation. It is a sphere of open play and articulation of interest that mediates between "individual citizens" demands and decisions that are made and implemented by the state apparatus" [Z] (p. 19). Involvement of civil society in governance schemes augments the power of social actors and allows them to participate in the processes beyond strictly formal channels of governing bodies and to use that participation for exerting influence in matters of public interest [8][9]. By using its influence, civil society creates and ensures better conditions for the structuring of good governance [10], which is characterised by participation, accountability, rule of law, transparency, equity, etc. As Kalanj suggests, if a different mode of political discourse and governing paradigm is possible, it is possible because of the rise of ideas and actions from civil society [I]. These claims made by Kalanj on the role of civil society in decision-making processes have a resonance with Fischer's aforementioned elaborations on the role of non-governmental organisations in the practices of participatory governance, in particular, in the register of "people's self-development" and empowerment as the primary goals, emphasising political rights, social recognition and economic redistribution in the development of participatory approaches [5] (p. 3).

The PCP approach opens a systemic perspective for the inclusion of non-governmental, non-institutional civil society actors in affirming the democratic claim of the accessible and participatory nature of cultural heritage. Drawing on the premises of participatory democracy [11](12), the PCP approach can contribute to a more inclusive society, stimulate active citizenship and ensure participation that goes beyond the 'tyranny of participation' [13][14][15] or passive modes of cultural participation [16] towards more empowered and meaningful participation in the decision-making processes [12]. Active participation [17] in the decision-making processes that involve all aspects of cultural heritage governance and management, encompassing planning, financing and programming, challenges the three main definitional lines of democratic quality in policies on culture and cultural heritage according to: (a) the sources of authority or governing power (who or what governs); (b) the purpose of governing (why are we governing); and (c) the processes of constituting governing structures and bodies (how are we governing) [18]. In the scope of PCP as the participatory mode of governing and managing cultural heritage, the Brainstorming Report on Participatory Governance in cultural heritage [19] proposes that the source of authority (e.g., government, public authority, public agencies, public institutions, etc.) should share the power with the people to whom the heritage belongs, thus making non-institutional, non-governmental actors the equal source of authority. According to the Brainstorming Report, the purpose of the (shared) governing of three different types of cultural heritage (tangible, intangible and digital) is found in the increased need for civil participation in heritage safeguarding, protection, preservation, interpretation and promotion as it is "no longer valid or practical to rely on state institution to do everything" [19] (p. 3). Numerous purposes for participatory approaches in cultural heritage governance

and management are listed in the European Agenda for the Culture Work Plan's Report on Participatory Governance of Cultural Heritage (2015–2018), most notably the convergence of professional and local knowledge in providing care and planning use of cultural heritage, as well as a renewed recognition of the active engagement of the civil sector in defending and sustaining heritage assets as common goods, mitigating the risk of cultural heritage overuse and inaccessibility [20]. Finally, the processes of constituting governing structures and bodies involve the identification of innovative approaches to the multilevel governance of tangible, intangible and digital cultural heritage, which involves the public sector and civil society in promoting a new generation of long-term and forward-thinking society- and citizen-driven cultural heritage policies [20].

In its application, the PCP approach in cultural heritage is non-linear and highly dependent on the national, regional and local policy frameworks, on specific local contexts, i.e., the local situations and practices of cultural and urban planning, on relationships between local administrations and the civil society sector and on communities and institutions that co-govern and co-manage heritage assets. Still, the core concept of the PCP holds the same orientation, regardless of the location of its application, seeking to establish new organisational arrangements that can contribute to the common efforts in management and use of the shared heritage assets and that will commit to following the defined rules of collective action [21]. In practice, the PCP structure is designed according to the particular cultural heritage resource, its socio-political, economic and cultural setting and policy alternatives, hence it is implausible to provide an overview of a PCP formula that is characteristic and germane for this approach. However, several elements constitute the PCP approach and involve the following steps: (a) identification of the public heritage resource that will be a subject of the PCP; (b) detection of the key entities and actors on the public and civil side of the partnership; (c) negotiation and joint setting of the collective agenda and interests; (d) forming and developing modes and rules on communication, informing about mutual capacities, advantages and challenges; (e) establishing of the partnership rules; and (f) formalisation of the PCP (institutional, organisational, operational formats and rules of action) $\frac{|22|}{|22|}$. These elements are not mutually exclusive or rigidly set in a formal sequential order, but track the practice-proofed logic of instituting PCP. Insofar, Vidović [23] identifies several plausible models of PCP, such as a hybridisation model or partnership of public and civil sectors in the co-founding and shared governing of a new legal entity (public institution, agency, enterprise, etc.) that assumes the authority over governing and managing the resource, a joint governance model which implies the forming of the joint governing body (board or committee) that has the same quota of public and civil representatives, a collaborative governance model which is a partnership of a public institution with a number of civil society organisations for the joint governance of a cultural resource that is under the authority of the institutions, an extended cooperation model that defines cooperation in which the public body grants the use, governance and management of a public cultural resource to civil society organisation for a limited period and without (commercial) fee and, finally, a new public culture model, which is a conceptual blueprint of the decentralised and horizontal structuring of governance in culture and cultural heritage through the systemic involvement of the civil society sector in the decision making.

The main defining distinctions of the PCP in governing and managing cultural heritage are the favourable effects and outcomes. The centrality of cultural heritage's public value and interest makes the PCP's orientation wide in the scope of a manifold of impacts that are not profit-driven, but are articulated in a myriad of interdependent links of active participation. Sacco, Ferilli and Blessi [127] define these links as innovation (constructing new meanings and practices, restructuring previous beliefs, prejudices and attitudes), welfare (effects on well-being and quality of life), sustainability (emphasis on the social dimensions of sustainability, reflection on the extent to which socially transmitted behaviours, habits and customs may influence the effectiveness of resource-saving programmes and strategies, fostering social mobilisation and awareness on the consequences of individual and collective behaviour on culturally critical resources), social cohesion (creating trust and conditions for dialogues through the appreciation of cultural diversity and the overcoming of negative stereotyping), lifelong learning (the development of capacities for adaptation to and shaping of the environmental context) and local identity (the role of cultural heritage in re-defining the social and symbolic foundation of a place and its development model, stimulating new, inclusive dynamics of cultural content and new modes of cultural access by the local community).

The challenges involved in PCP are evident and pertain to exogenous and endogenous factors. The former, to global trends in market-oriented cultural policy, cultural governance and the malfunctioning of democratic systems [24]. In such a reality, the governance and management of cultural resources are mandated to provide measurable evidence and justification in obtaining shrinking public support and funding and it is imperative that they show their "marketable" value to secure income and investments from the private sector [25]. This approach to understanding the role and values of cultural resources has led to rising trends in making cultural heritage marketable and more appealing and attractive to wider masses, thus subduing the crucial issues of democratic legitimacy, top-down centre-periphery relations and social, cultural and environmental sustainability. Endogenous factors point towards issues of trust, capacity, compromise and motivation [20], highlighting the crucial point of civil society's future development in taking new steps and activities that will convince the city governments that it is an equal partner who can participate in long-term planning and contribute to more quality development of cultural heritage assets. At the same time, if they want to keep up and regulate contemporary changes, the local governments shall have to change current rigid cultural policy structures that are predominantly preoccupied with the institutionalised, hierarchical classifications of culture and start to strategically plan, allow institutional changes and thusly develop new institutional arrangements.

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2. Public–Private Partnership (PPP)

While PCP entails an alliance of public entities and civil actors in cultural heritage assets' governance and management, a public-private partnership (PPP) basically pertains to an alliance of public entities and private parties usually in the reconstruction and maintenance of a heritage asset. However, it is not a simple task to provide a comprehensive definition of PPP despite the extensive literature on the topic. Multiple definitions are in use, as are national regulations and international guidelines. Generally, it is agreed that it entails a form of cooperation between the public and private sector, but not any type of cooperation; rather, it pertains to a long-term contract for the provision of a public asset or service whereas the private partner uses capital to deliver the public services in question, in that, the private partner shares the associated risks but, at the same time, collects remuneration. PPP often represents an economically effective formula for infrastructure construction or renovation, which is why it may well be applied in the heritage sector. Two types of PPPs are usual: the provision of a public infrastructure or a public service (or both). In the case of a public infrastructure asset, PPPs entail its financing, design, construction, renovation, management or maintenance, while the provision of public services may involve different services (e.g., education, transport, healthcare, etc.). Therefore, PPP is a scheme which executes tasks or services which are traditionally procured by the public sector and is usually described as a win-win model, offering benefits both for public and private parties. The 'win' for the public party is in the decrease of the financial pressure related to heritage assets and in the capitalisation of the private sector expertise [26]. The private party, in turn for the investment and maintenance, benefits from a steady cash flow paid off in regular instalments from the public budget, which is more feasible than from other sources (e.g., a bank). For illustration, assume that a certain heritage building, which is used as an educational institution, needs reconstruction. It is costly for the public party to invest in the reconstruction, which is why it seeks a private investor, A long-term PPP contract (e.g., 30 years) between the public and private parties is signed under which the private partner invests in the reconstruction and maintenance of the building. The public service of education continues to be provided under the specified terms. The private partner will run the building for the next 30 years, having to provide necessary conditions for the maintenance of the building and for the public service to run smoothly (electricity, water, lighting, etc.), receiving the agreed remuneration from the public budget for it. Additionally, private parties may rent the building for different lucrative activities (e.g., foreign language, dance or karate courses) in the remaining hours after a public service has been provided. In sum, it results as beneficial for the public party in that the heritage building is renovated, the public service has been delivered and it substantially decreases the financial pressures on the public budget. For the private party, analyses have shown that the overall costs of the project under the PPP model are significantly lower (app. 13.5%) than under the traditional public model for the capital investment and maintenance of the facilities (in which the public sector is responsible for the entire investment) [27]. Further on, on the financial side, the PPP model is often also combined with EU funds, which makes it even more feasible. Since both parties are involved in the PPP project, possible risks are shared. Risks relate to, e.g., revenue, (re)construction, regulatory challenges, politics, environment and archaeology on the site, sustainability and public acceptance, and all are negotiated for each PPP contract individually, as is also the private party's remuneration.

Similarly, as with the PCP, elements constituting the PPP approach involve following preparatory steps: (a) the identification of needs related to the cultural heritage asset, (b) the calculation of the public sector's ability to pay, (c) setting up a project implementation team, (d) comprehensive project design, (e) the implementation of the "open doors"(market testing) and (f) the procedure of selecting a private partner and contracting. It must be pointed out that, related to cultural heritage, different types of contracts are in use but not all of them are categorised as PPP. Thus, three types of contracts are usual: a service contract (a private party involved in services, e.g., conservation research, restoration or equipment maintenance, but in a short time frame), architectural works and construction contracts (a private party executes these works with the associated risks, while the public party is responsible for the funding and maintenance of the asset) and a lease agreement (the asset is temporarily transferred to a private party, while risks are solely borne by the public sector). Seemingly, we speak about PPP herewith, but this is not the case since PPP entails synergetic and complex long-term projects with shared risks related to both construction and maintenance, which require substantial funding, preparation and planning [27]. Although there are different forms of PPP contracts, for the understanding of this approach, it is needless to explain them in detail; rather, it is important to say that a PPP contract defines "the term, method of service delivery, equipment standards or infrastructure and service as well as the feepaying mechanism" (Ibid.: 11), whereas the private party assumes the reconstruction and accessibility risks and the public party acts as the regulatory or supervisory body in the provision of public services. The complexity of PPP projects consists of detailed financial calculations, technical requirements (e.g., room temperature, ceilings' height, flooring, wall paints, lighting, space availability, etc.) and legal aspects.

In several cases, heritage is guarded by the public sector, which often fails to provide sufficient financial, but also management-related resources for heritage assets. Therefore, other options were sought and in the late 1960s, PPPs were introduced as a promising model for urban regeneration schemes [28], soon expanding to different heritage sites and areas. The model proved to be very successful in some countries (e.g., the UK, USA and the Netherlands) [29], providing alternative ways for cultural heritage funding while retaining the heritage assets' intrinsic values due to the public party's involvement [30]. PPPs are highly dependent on legal and regulatory frameworks which are usually treated by fiscal and rarely by cultural/heritage policies and the model is usually regarded as an efficient approach to secure funding for the reconstruction of heritage assets. Thus, the physical reconstruction and maintenance of the heritage asset is mostly focused on, while the (quality of the) content of the activities/services to be performed in the building/on the site is not

zeroed in on in terms of shared responsibilities. Rather, it is the responsibility of the public party. Moreover, the activities/services provided are not necessarily related to the culture/heritage and heritage assets may have a purpose totally unrelated to culture. The public sector, however, has a responsibility to propose what type of service is appropriate.

The success of the model was especially effective and efficient in developed democracies. At the same time, the model has also shown some deficiencies: in some cases, a lack of transparency in the selection of the private partner occurred leading to corrupt activities, which resulted in the 'privatisation' or commercialisation of heritage values. Legally, the project should be protected from such violations since a mandatory Regulatory Authority is responsible for project planning, approval and monitoring, which should serve as a warranty for a project. Despite that, violations have been detected. Therefore, in some countries, the practice of the PPP model is avoided, as public parties are deterred from entering a PPP contract. Even if favouring a private partner is not the case, the publicly created image of contracting with a private party remains negative. It is especially common in transition countries, where democratic values are not sufficiently stable, having a substantial impact on the number of concluded PPP contracts. Thus, the study by Jelinčić, Tišma, Senkić and Dodig [30] reveals a very low or inexistent number of PPPs in the cultural heritage sector in Croatia, Poland, Slovakia and Slovenia due, among other, to the mentioned challenges. This is further enhanced by the image that PPP contracts are complicated and costly, thus resulting in the avoidance of such partnerships.

3. Public-Private-Community (PPCP) Partnership

A public-private-community partnership (PPCP) can be defined as an amalgamation of public-civil and public-private partnership approaches. The PPCP is a complex and demanding approach that juggles the diverse and somewhat conflicting interests of the involved actors. By adding the community to the equation, the PPCP extends the obvious relational traits of the PPP, overstepping the transactional 'quid pro quo' rationale into the fields of social inclusion, citizens' participation and the economically and socially effective use of heritage assets. The PPCP can be diversly articulated and classified by different authors, hence Boniotti [31] writes about the public-private-people partnership (P4) for cultural heritage management purposes, while laione, De Nictolis and Sanagati [32] use the term public-privatecommunity partnership (PPCP) to explain an innovative approach of a multi-actor, commons-based governance model. Based on the premise that governments lack the capacities and face significant challenges in preserving and managing public cultural heritage, which can lead to conditions of neglect, the multi-actor approach to planning, governing and managing is necessary to: (a) obtain the private funding and investment for the restoration and maintenance of the built heritage and (b) to secure the involvement of the community in line with the social inclusion and participative principles of a commons-based governance approach [32][33][34]. Much like in the case of the PCP, the PPCP is largely dependent on the specific case or heritage resource in question; it is context driven and reliant on the possibilities to form a coherent organisational structure for a multi-actor governing and management scheme that involves: (1) public entities, i.e., governmental bodies, agencies, national, regional or local authorities, public institutions and public owners of the heritage assets; (2) private entities, i.e., developers, private owners and businesses; and (3) people, i.e., common citizens, the non-profit sector and end-users [31] (p. 4). Boniotti underlines that the P4 (public-private-people partnership) concept emerged from urban development, where that approach "created possibilities for engaging new pro-active and positive participation methods and solutions, not only for the early stages of urban development process (planning and design), but also for construction, operation and management of local economic and social infrastructure" [31] (p. 4). In a similar fashion, laione, De Nictolis and Sanagati [32] (p. 7) argue that multi-actor participatory forms of cultural heritage governance "can be implemented as a form of local co-governance in which a diversity of actors share decision making and managing processes about a site or element of cultural heritage, for which they assume responsibilities in partnership. With the term commons, one refers not only to the resource but also to its community of belonging and the governance model adopted... polycentric governance of cultural heritage as commons is sustainable when social and economic sustainability is ensured, contributing to the creation of local forms of economic democracy with the affirmative goal of social and economic empowerment of vulnerable residents and local communities". The claims by both authors indicate that the PPCP has wide-reaching potentials and implications surpassing the narrow remit of particular heritage resource governance. Accordingly, Iaione, De Nictolis and Sanagati [32] propose a multiple-helix model of governance that broadens the original circle of public-private-people actors to media and institutions (schools, universities, research institutes and centres), providing scientific knowledge and skills related to the protection and enhancement of cultural heritage.

One of the key differentiations of a PPCP in relation to the previously elaborated model of a PCP is that, in a PPCP, the focus on the civic side is not predominantly on the civil society organisations and is more inclusive of individual citizens and communities regardless of their legal status and articulation. Concerning a PPP, private entities join the PPCP with non-profit objectives, in which case, a return on the investment of private funds may be missing, hence the transaction at issue "relates to instances of philanthropy in the presence of community support and with common citizens acting as project developers" [31] (p. 3). Unlike the PPP, in which the private entities mostly pertain to the business sector and "may be either natural persons, legal persons with for-profit objectives (e.g., private universities), economic operators (e.g., construction companies) or financial institutions (e.g., investment banks, pension funds, insurance companies)", the private entities involved in PPCP are most likely of "a civic-minded nature and may be either natural persons, legal persons with non-profit objectives (e.g., ecclesiastical entities), non-profit organizations, associations and various types of foundations (e.g., banking foundations)" (Ibid.). The civic-minded nature of the private actors in a PPCP sustains the

participative and socially inclusive notion of the PPCP approach that promotes equitable and sustainable models of local development, fostering collective action in local development, the recognition of cultural rights and rights of use and the management and ownership of cultural heritage by local communities [32]. These aims of the PPCP rely on the pillars of the (EU) policy landscapes that recognise participation, sustainability and social inclusion as a groundwork of context-based multi-actor partnerships.

The discourse of social inclusion concerning multi-actor cooperation and partnership in governing cultural heritage has been developing since the early 2000s, with the Faro Convention or The Council of Europe Framework Convention on the Value of Cultural Heritage for Society from 2005 being one of the most significant documents from the period. Drawing on the right to freely participate in cultural life enshrined in the United Nations' Universal Declaration of Human Rights (1948) and guaranteed by the International Covenant on Economic, Social and Cultural Rights (1966), the Faro convention underlines the access to cultural heritage and democratic participation through Section III on shared responsibility for cultural heritage and public participation. Here, public participation is paralleled with shared responsibility and the emphasis is placed on the aspect of developing "the legal, financial and professional frameworks which make possible joint action by public authorities, experts, owners, investors, businesses, non-governmental organisations and civil society", as well as developing "innovative ways for public authorities to co-operate with other actors" [35] (p. 5). Shared responsibility and public participation emphasise the need for the greater involvement of various actors and stakeholders in defining and managing cultural heritage and its use as a resource for the sustainable development and affirmation of cultural diversities. As such, cultural heritage becomes a significant point of democratic engagement and citizens' or communities' involvement, both on the level of individual and collective responsibility, as well as cooperation with private entities. Iaione, De Nictolis and Sanagati [32] provide a more comprehensive overview of the large body of policy and legal frameworks for the institution and development of the PPCP, as well as arguments in defence and against a commons framework for the governance of cultural heritage that incorporates private entities and communities, but that line of policy analysis is beyond the scope of this article. However, the provided overview suggests that the legal and policy stipulation for the instigation and application of the PPCP is in place, albeit in a modest form and with complex legal equations, which can provide a probable explanation for the scant presence of PPCP in both the literature and in practice. The scarcity and complexity of the legal and policy stipulations for PPCP are compensated with the use of tools of self-organisation, philanthropy, volunteering, novel technologies and social media that offer support and new opportunities for multi-actor cooperative endeavours [31].

The indicative aspect of the literature analysis of PPCP is that the available sources of PPCP theoretical and empirical work originate from the Italian context and show several culture-focused community welfare projects aimed at activating whole territorial areas or conserving and managing public heritage buildings, neglected and not previously open to visitors. That type of PPCP involves public authority granting a free concession to enterprises, cooperatives and community associations that turn the heritage buildings into multi-use spaces. Other notable examples involve the acquisition of the historical building through the joint fundraising of civil associations and business companies. As Boniotti [31] (p. 10) observes, the available illustrations of the PPCP in practice imply that the objective of the PPCP is not exclusively to plan a strategy of cultural heritage valorisation based on high-end interventions or innovative actions of long-term perspectives, but also to "mutually integrate the cultural supply chain and the local economy and implement an innovative approach to activity management and development" to be defined in cooperation with all local actors.

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