RESEARCH ARTICLE

Mediating conflicts over sacred lands†

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Mediating conflicts over sacred lands, a unique subset of public conflicts and international conflict with a religion component, requires sensitivity to the concept of the sacred and the unique contexts within which they occur. Sacred lands disputes may emerge from competing incompatible commercial and religious uses, demands for exclusive use, and efforts to undermine religious legitimacy. These aspects of conflicts over sacred lands require mediator consideration of their peculiar dynamics, including clashes of worldviews, indivisibility, and territorial access to the divine.

1 INTRODUCTION

Mediating conflicts over sacred lands requires sensitivity to the concept of sacred, the means for how land becomes a vessel for the sacred, and the varied sources of sacredness. In addition, sacred land disputes occur within unique contexts that overlay usual public disputes. These aspects of conflicts over sacred lands present unique challenges for mediators and require mediator consideration of their peculiar dynamics.

Attention to the religious dimension of conflict has increased over the past decade. According to the Religion and Armed Conflict (RELAC) data, the number of total violent conflicts with a religion component began increasing in 1979 and showed a rapid increase starting in 2010 (Svensson & Nilsson, 2017).

Conflicts that include a religious dimension have been analyzed through the lenses of civilization clashes (Huntington, 1993), identity conflicts (Seul, 1999), and worldview conflicts (Hassner, 2009).

Given the seeming intractability and unique aspects of conflicts with religious dimensions, conflict resolution professionals have begun to look beyond traditional negotiation and mediation for

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more effective approaches. At the forefront of this new thinking is the Swiss effort to move beyond mediated outcome-based negotiations to create a “mediation space” in which political and religious leaders convene to understand differing worldviews, wherein “language, culture, or religious vocabulary of the persons and groups involved should be considered as resources for a creative process producing joint solutions” (Bitter, 2011, p. 31). These joint solutions are not necessarily end-of-conflict agreements but rather joint projects that contribute to building peace among disputants over time; the mediation space is always available for emergent ideas and analysis—and new joint projects. This effort was forged in Tajikistan in the early 2000s (Bitter, 2011).

In public policy disputes, some mediators have sensitively handled sacred land disputes (Moore, 2013), but sacred land disputes have not been analyzed independently as a subset of public disputes. Territorial conflicts with a religious dimension are considered among other issues in conflict but are not considered independently (Baumann, Finnbogason, & Svensson, 2018). In his book War on Sacred Grounds, Ron Hassner provides an exhaustive analysis of the unique characteristics of sacred land disputes and finds little hope for the successful application of traditional conflict resolution methods: “advanced territorial conflicts like conflicts over sacred places are self-sustaining institutions that cannot be dismantled by means of common conflict resolution approaches. […] the resolution of territorial disputes must involve idea entrepreneurs capable of redefining social perceptions of dispute indivisibility in a manner that permits partition, redefinition, or compensation” (pp. 168–169). He goes on to suggest that the idea entrepreneur could offer suggestions that would redefine the symbolic value, subdivisions, boundaries, and compensation (Hassner, 2009).

In this article, I consider sacred land disputes as a related but unique component of public policy mediation and conflicts with a religious dimension. Sacred land disputes involve tangible issues embedded with the complexities of the divine. For resolution to occur in sacred land disputes, their tangibility must be addressed with tangible solutions, unlike other religion-based issues, which may offer opportunities for creative ambiguity. Sacred land disputes have unique characteristics and as such require unique mediation approaches. Rather than seek out a person or team of people to develop fantastically innovative ideas for resolving sacred land disputes, I offer aspects of a process approach for engaging those who live the conflict, those with the intimate wisdom and knowledge of the conflict, to engage in productive deliberations to develop the means for resolution.

Although sacredness is inherent in most religions, not all rest on a notion of land imbued with the sacred. For those with sacred lands, that sacredness may emerge in differing ways and contexts. For some faith adherents, all of Earth is sacred; for others, particular places may be eternally sacred since the beginning of time; and for still others, particular landmasses may be temporarily sacred for the performance of time-based rituals. Sometimes, sacred land is clearly marked on a map and sometimes it is secret and must remain so. In thinking about approaching sacred land disputes, conflict resolution professionals may need to alert themselves to such peculiar relationships between land and its sacredness.

Conflicts over sacred lands may arise from denial of the very existence of sacredness in the land, or it may result from mutual competition for the same land. A secular group may seek to conduct commercial activities on land that others claim is sacred and requiring of protections for future generations, or one religious group may be determined to deny access to another.

Some of the mediation challenges may be familiar. For example, mediators of policy disputes as well as conflict resolution professionals working in violent conflict arenas with a religious dimension often work among people with profoundly different worldviews. However, in sacred land disputes, mediators must translate across secular and religious perspectives or within multireligious contexts that reflect adversarial and competing theologies. Public policy mediators always consider who must participate to ensure actionable and sustainable agreements. In sacred land disputes, in
addition to secular stakeholders, mediators may need to identify religious leaders with authority to interpret sacredness and determine allowances for rituals and ceremonial activities. Additionally, power differentials may require excruciating decisions to provide even minimal protection of sacred places and practices.

Mediators may need to consider dynamics and strategies specific to sacred land disputes. Unlike other negotiation contexts, sacred land is indivisible, irreplaceable, and cannot be monetized, thus making usual tradeoff strategies unworkable. The tangible nature of sacred lands also requires tangible resolution, whereas religion-based disputes not involving territory may allow for ambiguity among symbols and meanings. Mediators may need to assist parties in developing the means for indicating and expressing respect for the sacredness in the land. Some of the parties may draw negotiators toward symbolic attributes of the land, which may offer atypical means for resolution.

2 | SACREDNESS AND ITS SOURCES

Sacred land conflicts may need to be understood within the context of varied sources of sacredness as well as the worldviews surrounding such faith and beliefs. The sacredness of particular sites emerges from a variety of causes, such as the starting point of the creation, locations for particular rituals, and historical and mythical events.

Creation stories often point to particular sacred physical beginnings. The sacred place of Mauna-kea is wahi pana, “legendary,” and is considered an umbilicus that connects Hawai‘i’s first people to the cosmos. In ancient times, only high-ranking chiefs, the ali‘i, navigators, and other priests, the kahuna could ascend to the summit for ceremonies (Adler, 2016). Similarly, the foundation stone (Even haShetiya) in Jerusalem is considered in Judaism as the source of the creation, the navel from which all creation emanated. “The world was not created until God took a stone called Even haShe-tiya and threw it into the depths where it was fixed from above till below, and from it the world expanded. It is the center point of the world and on this spot stood the Holy of Holies” (Zohar, Parshat Va-Yhi 1:231a, as translated in Matt, 2006, p. 396). During ancient times, only the High Priest, the kohen gadol, entered the Holy of Holies and only for the annual atonement ritual.

Sacred places may be the unique location for adherent ritual. Bear Butte, described as the sacred altar upon which Seven Sacred Rites of the Sioux were learned, is a site for the Sioux vision quest. During the vision quest, known as hamblecha, the seeker sits solitary upon the butte as tribal members pray below in support of his or her quest (Ojibwa, 2012). Sacred places also serve as pilgrimage sites for adherents, such as Mecca for the Muslim Hajj and Jerusalem for the Jewish festival of Sukkot.

The places of historical and mythical events often result in land becoming imbued with holiness at the site of the event. The al-Aqsa Mosque (the Furthest Mosque), a historic and current house of worship, is the place to where Mohammed was transported from the Sacred Mosque in Mecca during Night Journey (Quran, Chapter 17, verse 1). Hopi shrines at specific springs, mountain peaks, and other sacred areas were created in accordance with divine instructions as a permanent testament to the Hopi’s covenant with Ma’saw for stewardship of the Earth. Each shrine and sacred place contains an irreplaceable life essence that prohibits any relocation or alteration of the shrine (Ferguson, Jenkins, & Dongoske, 1995).

3 | CONTEXT

Mediating conflicts concerning sacred lands requires mediators to have a sense of the varied contexts carried by parties into negotiations. Conflicts may involve parties with different worldviews,
for example, some with a sense of land as sacred and others with no such sense of an area. When an
industrialist seeks to exploit natural resources on aboriginal sacred lands, mediators must translate
across cultures and contexts during negotiations. Believers may promote the inherent sacredness of
the resource as a supernatural force with indefinable powers at the negotiating table. Secular parties
respond dismissively or become intimidated, not knowing how to bargain with what is perceived as
the unknowable. Often, the framing of the negotiations does not comport with the worldview of
some of the parties. Many native people view the natural world as interdependent and indivisible
and shirk from compartmentalizing conflict in separate categories of water, land, air, wildlife, plants,
cultural practices, or archeological sites. For example, sustaining the holiness of Mauna Kea, known
as the first-born child of Hawaii, abode of the gods, requires protection of the entire mountain and
its environs, not only a part of it (LaFrance, 2015).

The context of other sacred land conflicts may result from competing claims for the same loca-
tions. If adherents of multiple religions consider the same site holy, conflict may emerge in the form
of competition for its exclusive use. Such conflicts often include efforts to delegitimize claims of the
other. Assaults on sacred sites may be attempts by one group to undermine the foundation on which
the opponents’ identity and faith rest (Hassner, 2009).

Still another context is the effort by a powerful party to prevent adherents of a particular faith
from conducting ceremonies and rituals on their sacred lands. This may result from indifference, fear
of the power such rituals may provide adherents, efforts to delegitimize claims of a competing reli-
gion, and explicit efforts to keep adherents from benefiting from the powers and strengths that con-
nection with their lands would provide.

4  |  CONFLICTS OVER SACRED LANDS

Conflicts emerge among the secular and religious as well as among diverse religious adherents.
Sometimes, conflicts emerge over competing incompatible uses for lands and other times over com-
peting adherent uses or religious legitimacy.

There are numerous conflicts over competing religious and secular land uses. One example, the
conflict over construction of a $1.4 billion telescope called the Thirty Meter Telescope (TMT) on
Mauna Kea, pits internationally renowned scientists seeking to explore the stars from one of the
highest points in the world against young and energized native Hawaiians, who seek to claim their
ancestral rights to and protection for their sacred lands. For generations of native Hawaiians, Mauna
Kea was and has always been a temple. Ancient chants teach that the volcano is considered the
physical form of the gods. Mauna Kea is the son of Wākea, the sky father, and of Papahānaumoku,
the Earth mother (LaFrance, 2015). As proposed, TMT would be a massive domed structure painted
with a reflective coating and housing a complex assembly of interlocking polished mirrors and sensi-
tive electronics. The Hawaii State Supreme Court recently halted the groundbreaking of the TMT
(Adler, 2016).

Another ongoing clash between commercial and religious interests is the use of reclaimed waste-
water for snowmaking at a ski area on the San Francisco peaks in northern Arizona. Several tribes,
including Hopi and Navajo, consider the peaks sacred and are deeply offended by the use of waste-
water, which in their eyes contaminates the entire mountain and devalues their religious practices.
The Hopi tribe has fought the ski development from the beginning and has filed numerous lawsuits.
For the Navajo, Doko’oosliid, or Abalone Shell Mountain, is the Sacred Mountain of the West. In
February 2012, the tribe lost its appeal to stop the snowmaking in a case against the U.S. Forest Ser-
vice. In 2015, it filed a petition with the Inter-American Commission on Human Rights asking it to
declare the U.S. government responsible for violations of the rights to religion, culture, and judicial protection under the American Declaration of the Rights and Duties of Man due to mountainside snow-making with reclaimed wastewater (Finnerty, 2015).

Intractable conflicts sometimes emerge across groups that share in the sacredness of place. Competition among religions and fears of encroachment complicate disputes involving sacred land that might seem ordinary in other secular contexts. In 2004, a pathway through the Mughrabi Gate leading from the Western Wall to the Temple Mount/Noble Sanctuary collapsed after an earthquake and unusually heavy snowfall. Its reconstruction required sensitive negotiations. To assuage Muslim concerns about Israel’s intentions in rebuilding the pathway, the agreement included round-the-clock internet cameras that allowed all to view the construction site in real time. Before the pathway was completed, the agreement broke down. In the context of sacred, the tangible issue of the pathway was entangled in the intangibles of sacred lands and associated fear and mistrust.

The ancient conflict over the Temple Mount/Noble Sanctuary in the Old City of Jerusalem continues among competition and denial of religious claims of Judaism, Christianity, and Islam. In explaining Israel’s Camp David positions to President George W. Bush, then–Israeli Prime Minister Ehud Barak said, “The Temple Mount is the cradle of Jewish history and there is no way I will sign a document that transfers sovereignty over the Temple Mount to the Palestinians. For Israel it would be a betrayal of the Holy of Holies” (Klein, 2003, p. 122). Arafat’s parting words to President Clinton at the end of the negotiations were similarly conclusive: “To tell me that I have to admit that there is a temple below the mosque? I will never do that” (Curtius, 2000, para. 5). For early Christians, the ruins of the Temple stood as evidence of Israel’s fall from grace for its corruption, and the New Covenant, whereby God transferred to Christians, as the New Israel, those past promises made to the Jews (Grabar & Kedar, 2009).

5 | MEDIATOR CONSIDERATIONS

Conflicts involving sacred lands present mediators with enhanced challenges in comparison to other policy conflicts. Policy mediators need to consider particular and unique dynamics to approach, manage, and strategize differently in order to navigate potential challenges more knowledgeably and avoid the mistakes that can be negotiation-ending errors. Among the host of mediator complexities are the need to gain and share awareness of differing worldviews among the parties, peculiarities of negotiating the sacred, role of data, representation for sacred interests, and the potential for violence.

5.1 | Different worldviews

The differing worldviews among parties in conflict over sacred land are more difficult for parties to discern and even harder to bridge than in typical policy disputes. Industrialists working to access the Earth’s resources for progress and business and environmentalists’ efforts to protect and preserve the Earth’s resources for its current inhabitants and future generations hold differing but understandable worldviews across tangible interests. Those with no tradition of, or familiarity with, the concept of sacredness imbued in land may dismiss the possibility of passionate ties to a particular physical area. Clashes among parties may result from disagreements over even the existence of sacredness within land as well as the integrated sacredness of land and its living plants and roaming animals. Disbelief, which may be interpreted as grave disrespect by religious adherents, has the potential to bring negotiations to a crashing halt. In these instances, one side may not have an awareness of or even reject that they are involved in a religion-based dispute.
Believers’ use of the inherent sacredness of the resource as a supernatural or indefinable power during negotiations may intimidate secular parties, who may refuse to bargain with the unknowable or cut off negotiations. The mediator may try to determine the nature and motivation of claims of sacredness, delicate as this might be. Is this a strategic move to gain power, to intimidate and cause discomfort for the other side, or is it legitimately a foundation for religious belief and cultural practices?

Negotiations that reflect competition for exclusive use and sovereignty of sacred land among multiple religions also bring worldviews into play. Competing claims among clashing worldviews, particularly when expressed as attempts to delegitimize others’ religious claims, quickly lead to impasse. Some offer suggestions of desacralizing the space or manipulating the meaning and value of the space. I expect that mediators seen as contributing to such efforts would likely come to be viewed as biased or illegitimate to some of the parties.

Mediators first need to be aware of and well-versed in the multitude of worldviews carried by negotiators and, second, must make strategic choices about the level of engagement of such worldviews. They may decide to make differing worldviews explicit and enable negotiators to learn, understand, and interact respectfully with the individuals holding differing worldviews, even as others reject those perspectives for themselves. Or mediators may intrinsically reflect inherent contradictions only through tangible issue negotiations to reach agreements amid sustained conflict.

Mediators working on conflicts over sacred lands must be able to relate to the concept of the sacred and understand adherents’ worldviews. In cases where a secular party is in a conflict that involves the sacred, the mediator faces the challenge of radically different worldviews and will have to carefully examine his or her ability to hold the space that sustains productive negotiations. Some mediators may know themselves well enough to realize their own discomfort with the sacred would make them ineffective in such disputes. Others may fully embrace these contexts.

Essentially, a mediation approach for resolving sacred land disputes may need to enable parties to build the capacity for simultaneously holding conflicting views in mind or, at least, that multiple worldviews exist and are represented among the parties to the dispute. In some instances, parties can be helped to inhabit alternative worldviews, and in others, parties may need to trust that alternative and legitimate views exist side by side with their own. Such worldviews may be explained but may not be accessible to nonadherents (Podziba, 2016).

5.2 Negotiating the sacred

Many conflicts are resolved by establishing a value for the damaged or lost resource, negotiating a monetary settlement, and trading among options and issues valued differently. For religious adherents defending sacred sites and resources, offers to compensate for damage or loss may be considered insults. The idea of putting a price tag on the sacred can be abhorrent; even raising the issue can set back a process and threaten fragile relationships. In 1980, the Supreme Court recognized the Lakota Nations’ rights to the part of the Black Hills specified in the 1868 Treaty of Fort Laramie and ordered the Claims Commission to award a financial sum equal to the land’s value in 1877 plus interest. This sum now totals $570 million, but the Lakota have refused to accept the money on the grounds that one cannot buy and sell sacred land. Says Johnson Holy Rock, a Lakota elder and former chairman of the Oglala Sioux, “We don’t think of the air and water in terms of dollars and cents” (Corbin, 2003, para. 5).

The problem of indivisibility of sacred sites is understood as making traditional mediation and negotiation insufficient for resolving such conflicts (Hassner, 2009). The common negotiating strategy of trading or dividing also offers little possibility for success. A sacred site of origin of a tribal
people, for instance, cannot be traded for an equivalent origin spot somewhere else. Division of the property in question either physically or time-wise—you take half and I’ll take half, or I’ll have it part of the year/week and you have the other half the year/week—may be a difficult arrangement for adherents who consider the site critical to their culture, religion, and identity as a people. During the Camp David negotiations over the Temple Mount/Noble Sanctuary, a proposal to give control of the top of the esplanade to the Palestinians and the bottom to the Israelis was summarily rejected by both sides.

5.3 Data

Filling data gaps with research or new fieldwork is standard in natural resource conflict resolution and requires identification of the resource, its location, and its current and baseline conditions. In the case of many sacred sites and resources, cultural and religious strictures may make it impossible for a tribe to reveal a site’s exact location, times needed for sacred ritual, and specific use and purpose. In some cases, only tribal elders or healers know such details. Making that information public can make the resource vulnerable to exploitation and curiosity seekers. Past experience and the Freedom of Information Act have made tribal decision-makers unwilling to trust in promises of confidentiality, except in rare cases.

Archeological digs may also provide data and information about the past concerning land uses and history of past peoples living on, making pilgrimages to, and passing through areas. However, in some sacred land disputes, such information may be rejected by those who find their own claims undermined by competing claims of another religious group that may be supported by archeological findings.

5.4 Who sits at the table and who can speak for the sacred?

In all policy mediation cases, mediators help identify the relevant parties necessary for negotiations to yield actionable and sustainable agreements. Doing so in usual cases is often challenging, but the question of who may represent and forge agreements on behalf of the sacred lands and resources can be particularly perplexing. Often, both civil and religious authorities lay claim as legitimate representatives, yet they may disagree about future treatment of the sacred land. When their interests diverge, questions arise over authority to enter into agreement. When religious leaders act as political leaders, other challenges may emerge if religious adherents reject political decisions. When internal tribal conflict reveals profound disagreements, multiple individuals may need to participate in the negotiations. As with environmentalists who claim to represent the trees or the wildlife, mediators may wonder if there is an entity that can speak for the site itself.

Resolving conflicts rooted in competing claims over the same land may require integrating deliberations among authoritative religious leaders into the negotiations among secular parties. Solutions may involve increasingly expansive interpretations of religious claims, prohibitions, and requirements. Such proposals may only be successfully offered by those with the religious authority to do so.

The redefinition of conflict resolution in disputes that include a religious dimension is the need to expand participation to engage religious leaders alongside political leaders because they understand their adherents in ways that rational political actors do not (Bitter, 2011).

For end-of-conflict agreements over sacred lands, religious leaders may be asked to participate directly as part of the Track 1 negotiations as an outsourced element for particular issues of the negotiations and/or as part of an outreach and consultation strategy that would integrate
recommendations of religious leader negotiations and provide information about constraints among the overall negotiations.

5.5 | Mediator capacities

Mediators of sacred land disputes need the capacity to understand and work across the multiple theological worldviews represented during negotiations. In conflicts among commercial and tribal interests, mediators need the ability to hold the sacred and secular narratives in mind simultaneously. In cases with competing claims of sacredness, mediators need to have an ability to simultaneously hold understandings of each claim in mind. When competing claims are made more complex by adherents’ need to delegitimize sacred claims of others to protect or bolster their own, mediators need the capacity to sustain understandings of those needs as well. To build confidence in mediated negotiations of sacred land disputes, mediators need to be able to dynamically move across competing worldviews to create the space for deliberations that could not otherwise occur.

In addition, mediators may need to design processes that include mechanisms for participation by authoritative religious leaders and adherents even if secular political leaders will negotiate the actual terms of the agreement.

Sacred land disputes are uniquely complex, in part, because adherents insist on indivisibility; the sacred site cannot be shared. Sacred lands offer terrestrial evidence of divine presence and thus must be safeguarded from desecration (Hassner, 2009).

Sacred land is indivisible; it cannot be subdivided as ordinary real estate. For adherents, sacred lands offer access to the divine through ritual, prayer, and proximity. Conflict, sometimes violent conflict, occurs when adherents fear another group may desecrate or prevent access to their sacred site. Indivisibility is a critical conflict factor, particularly when multiple groups compete for exclusive access to a mutually holy site. Mediators, who enter into the core issues of disputes to assist parties in innovating solutions, may need to explore with adherents the deepest context of the sacred, such as whether sacred activity of one group desecrates the sacred land for the other, and if so, how? Might religious leaders seek access to the divine that is inherent to the land for wisdom and guidance on divine intent of a particular site? What might religious leaders of warring religions learn if they jointly accessed such wisdom?

Is it possible for mediators to design processes that could create the possibility of such shared connections? If such activities were undertaken, might religious leader experiences result in reframing the conflict in favor of peace? For skeptics, if sufficient incentives and motivations were in place, might the semblance of connection to the divine at the nexus of sacred lands be sufficient for a reconfiguration of meaning and access to sacred land? If so, the challenge for mediators of sacred land disputes is to identify religious leaders of faith, design processes that would suggest simultaneous connection to the divine, and assist such leaders to put words to the solutions that emerge from their experiences to approximate, as much as humanly possible, that which the divine commands of its adherents.

6 | CONCLUSION

Sacred land disputes are a unique category of public policy conflicts. As such, policy mediators working in this arena must understand the dynamics and contexts such disputes pose and be prepared to respond to unique challenges that result from clashes among religious adherents’ commitments to ancestral lands and commercial interests as well as competing sacred land claims.
In some of these situations, political and/or military powers may unilaterally assert their group’s or nation’s rights to a site. Such arrangements are stable only as long as the power structure is maintained. Adherents of early religions have long memories, carried across generations, concerning their sacred lands. Political and military power is temporal, whereas claims to ancestral lands may be eternal. Sustainable agreements require addressing the sacred.

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