

# GUIDANCE NOTE

## **Economic dimensions of intangible cultural heritage safeguarding under the 2003 Convention**

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# Introduction to the guidance note<sup>1</sup>

Intangible cultural heritage (or living heritage) covers various domains of knowledge and practice, including oral poetry and other forms of oral expressions, performing arts such as dance or song, social practices, including rituals and festive events, agricultural practice and other forms of knowledge about nature and the universe, and traditional craftsmanship. Intangible cultural heritage has always played a vital role both in sustaining people's well-being, identity and continuity, and – often – in generating income and supporting decent work and livelihoods within communities. From the perspective of those practising the heritage, these functions are frequently interlinked. Economic engagement may be initiated by communities, groups and individuals concerned, or by third parties. This can include, but is not limited to, gift, barter or trade of tangible items such as traditional foods or crafts produced through intangible cultural heritage practice, reimbursement for transmission of skills or broader economic benefit from performances or festivals. Economic activity associated with intangible cultural heritage, as well as associated objects and places, has thus, in many, although not all, cases, been an important aspect of its value and viability for communities, groups and individuals concerned.<sup>2</sup> Ensuring appropriate and equitable benefit from intangible cultural heritage practice can encourage young people to value and practice their heritage, and thereby promote transmission. However, economic activity does not always contribute to positive safeguarding outcomes (which could be termed cultural sustainability), or ensure sustainable and equitable cultural, social, economic or environmental benefits to communities concerned. Economic engagement may even negatively affect intangible cultural heritage practices, meanings and values, and associated tangible heritage.

The texts of the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (hereinafter, the Convention) recognize both positive and negative aspects of economic engagement for safeguarding and sustainable development. On the one hand, the Convention's Preamble states that intangible cultural heritage is 'a guarantee of sustainable development', while the Operational Directives for the implementation of the Convention recognize the 'interdependence between the safeguarding of intangible cultural heritage and sustainable development' (paragraph 170) and recognize that intangible cultural heritage can be 'a powerful force for inclusive and equitable economic development' (paragraph 184, see also paragraphs 116, 170, 185 and 186). As the Operational Directives and the Organs of the Convention warn, on the other hand, overly intensive economic activity associated with intangible cultural heritage (over-commercialization), inappropriate use outside its usual context (decontextualization), unauthorized use by third parties (misappropriation), inaccurate representation of the intangible cultural heritage (misrepresentation) and loss of control over economic dimensions by communities, groups and individuals concerned (dispossession, paragraphs 185(b)(ii) and 186(b)(ii) of the Operational Directives), may have negative consequences both for livelihoods and the viability of intangible cultural heritage, including its meanings and values (paragraphs 102, 116-117, 120 and 171 of the Operational Directives).

While mitigations against negative impacts of market engagement have been proposed in the texts of the Convention and decisions of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage (hereinafter, the Committee), there is no specific guidance available on how to manage economic dimensions of intangible cultural heritage safeguarding under the Convention.<sup>3</sup> In December 2019,

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<sup>1</sup> This document was prepared by the consultant Harriet Deacon, with assistance from participants to the Category VI expert meeting (see List of participants in document [LHE/23/EXP.THEMA-ECO/2 Rev.](#)) and Peer Review Panel on economic aspects of intangible cultural heritage safeguarding (Gulnara Aitpaeva, Cristina Amescua, Chiara Bortolotto, Shubha Chaudhuri, Emily Drani, Nigel Encalada, Léonce Ki, Sharon Le Gall, Joseph Lo, Lucas Lixinski, Aroha Mead, Ancila Nhamo, Desmond Osaretin Oriakhogba, Diego Rinallo, Ana Shanshiashvili, Ahmed Skounti, Rieks Smeets, Silja Somby, Junjie Su, Anita Vaivade, Siri Wernberg), in collaboration with the UNESCO Living Heritage Entity. It is presented as a preliminary draft for the purpose of discussion and review. The content does not necessarily reflect the institutional views of UNESCO and is subject to revisions based on peer feedback.

<sup>2</sup> In this Guidance Note, the terminology 'communities, groups and where applicable, individuals' will be used, following the texts of the Convention. However, differences in context, and the specificity of the relationship of individuals and groups of practitioners and entrepreneurs within different communities, including Indigenous Peoples, should be recognized.

<sup>3</sup> As the Evaluation Body has noted, see Document [LHE/19/14.COM/10](#) paragraph 37; Document [LHE/20/15.COM/8](#) paragraph 75.

the Committee thus requested<sup>4</sup> that the Secretariat prepare a guidance note for communities, and States Parties concerning ‘the safeguarding measures and good practices that address the risk of decontextualization and over-commercialization of elements’ of intangible cultural heritage. In accordance with the normative framework of the Convention, safeguarding actions to address the risk of decontextualization and over-commercialization of elements of intangible cultural heritage should be part of a broader safeguarding approach that also supports communities, groups and individuals concerned to enjoy equitable benefits, where they wish to do so, from appropriate economic activity associated with their intangible cultural heritage.

The 2023 Seoul Vision for the Future of Safeguarding Living Heritage for Sustainable Development and Peace has called for the implementation of ‘heritage-sensitive economic approaches and safeguarding measures’ that harness living heritage for improving the sustainable livelihoods of communities, while fostering continued practice and transmission of their cultural heritage in a meaningful and appropriate way. The New Delhi Leaders Declaration of 2023 has encouraged ‘the international community to protect the living cultural heritage, including [associated] intellectual property, notably with regard to the impact of the over-commercialization and misappropriation of such living heritage on the sustainability and on the livelihoods of practitioners and community bearers as well as Indigenous Peoples’. Indigenous Peoples as well as local communities, in particular, have suffered considerable unwanted and inappropriate third party economic use of their intangible cultural heritage, but have also demonstrated ways to mobilize community and external stakeholder responses to address them. These experiences can be very relevant in different contexts, to communities safeguarding their intangible cultural heritage and engaging in economic activities depending on it.

Safeguarding of the intangible cultural heritage can contribute to equitable and inclusive economic growth, reducing poverty and inequalities across all sectors and strata of society (paragraphs 174 and 183-184 of the Operational Directives). Economic activity associated with intangible cultural heritage should be consistent with safeguarding (Ethical Principles, paragraph 1), not undermine its viability (Ethical Principles, paragraph 2), respect the ‘moral and material interests’ of communities, groups and individuals concerned, benefit them (Ethical Principles, paragraph 7), generate income, and secure productive employment and decent work (paragraphs 185-186 of the Operational Directives).

Where they wish to engage in, or are otherwise affected by, economic activities regarding their intangible cultural heritage, communities, groups and individuals concerned should lead the process of managing economic dimensions of safeguarding, supported as needed by other stakeholders. All stakeholders have a duty to base any such engagement on the active involvement and free, prior, informed and sustained consent of communities, groups and individuals concerned, in line with article 15 of the Convention, various Operational Directives and the Convention’s Ethical Principles (paragraphs 1 and 4). In ratifying the Convention, States Parties undertake to ‘take the necessary measures to ensuring the safeguarding of the intangible cultural heritage present in their territory’ with the participation of communities concerned (articles 11(a) and 15). Governments, non-governmental and cultural organizations, and the private sector, may develop policies, assistance programmes, and capacity-building initiatives to this end. Legal frameworks such as contract law and intellectual property law, consultative mechanisms and marketing support, should involve and represent community interests and protect their rights.

Safeguarding planning that takes economic dimensions of intangible cultural heritage into account should be rights-based, ensuring ‘that the rights of the communities, groups and individuals that create, bear and transmit their intangible cultural heritage are duly protected when ... engaging in commercial activities’ (paragraph 104 of the Operational Directives). The Convention does not create new rights in regards to intellectual property or use of biological and ecological resources linked to intangible cultural heritage, according to article 3(b). However, some countries have already implemented legal protections for intangible cultural heritage, traditional knowledge or traditional cultural expressions at the national level. In the World Intellectual Property Organization (WIPO), the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) is facilitating international text-based

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<sup>4</sup> Decision [14.COM 10](#) paragraph 14.

negotiations on international legal instruments for the protection of traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs), that may help communities manage economic dimensions of intangible cultural heritage safeguarding. Provisions in the Convention on Biological Diversity (CBD), its Nagoya Protocol and the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP), underline the importance of respecting the rights of Indigenous Peoples as well as local communities, and finding ways to ensure that communities can better control, manage and benefit from economic dimensions of their intangible cultural heritage. This is supported by the UNESCO Policy on Engaging with Indigenous Peoples (2018), as UNESCO is committed to the full realization of the provisions of the Declaration.

Developing heritage-sensitive and rights-based approaches to managing economic dimensions of intangible cultural heritage can help to address both sustainability and safeguarding concerns in rapidly changing contexts. The need to consider limits on unsustainable economic growth at a time of climate crisis, and the use of digital technologies, such as social media and artificial intelligence, pose new challenges and possible threats to the viability of intangible cultural heritage and livelihoods of its practitioners. If the digital divide is adequately addressed, such technologies may also offer opportunities for alternative approaches to managing economic dimensions of intangible cultural heritage safeguarding and integrating climate-related resilience strategies into the process.

The diversity of the intangible cultural heritage, of the communities who are its stewards, and of the economic contexts in which it can be used by different stakeholders, prevents a 'one size fits all' approach to safeguarding planning and management, however. Many intangible cultural heritage practices (in such domains as handicrafts, performing arts or agricultural technologies) might disappear without a market for associated products or services. Other forms of intangible cultural heritage, such as sacred rituals, social practices and certain kinds of community knowledge, if exploited commercially, may lose, or experience unwanted changes in, their heritage values. Communities may wish to restrict access and manage economic activity tightly in such cases.<sup>5</sup> Not all aspects of intangible cultural heritage are thus associated with economic activity, or equally integrated into, or affected by, gift, barter or cash economies, so the extent to which economic dimensions affect safeguarding could vary widely. The opportunities and risks or threats identified by communities (Ethical Principles, paragraphs 6 and 10) might depend partly on the nature of the intangible cultural heritage and its usual context of practice and transmission, as well as prior engagement in the market. Different kinds of products and services based on intangible cultural heritage have been sold or exchanged in the past, and can in future be developed, innovating in various ways in response to changing contexts. Some changes or innovations may be considered more appropriate than others within a community (Ethical Principles, paragraph 8).

Many communities face challenges in managing economic dimensions of safeguarding, that may relate to relationships with third parties, as well as to intra-community dynamics, including relationships between communities and individual community entrepreneurs. Challenges arise in part from a lack of information, experience or resources to control market engagement and power asymmetries in respect of third parties. Power asymmetries can also be present within and across communities, through experiences of structural disadvantage or discrimination linked for example to gender, race or ethnic identities, age, rural or urban location or migrant status. This can limit the ability of some communities, groups and individuals to benefit from opportunities, or to protect themselves from third parties exploiting aspects of their intangible cultural heritage without their consent, and contrary to their interests. Economic engagement may also result in internal disputes, as communities are not homogenous, and the rights and interests of individual practitioners and heritage entrepreneurs within a community may be only partially aligned with community as a whole. Those earning income through their intangible cultural heritage may respond in different ways to intangible cultural heritage-related market opportunities, threats and risks. They may also enjoy different rights in the market. While intangible cultural heritage may be a shared resource recognized by communities, some aspects of it may be subject to individual rights protection (for example copyright) or other legal restrictions. There may be customary limitations on access to or use of intangible cultural heritage beyond (and sometimes within) the community or group that need to be observed.

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<sup>5</sup> Document [ITH/14/9.COM/10](https://ich.unesco.org/doc/14/9/COM/10) paragraph 57.

The guidance note in Annex 2 thus suggests a flexible, heritage-sensitive and rights-based approach to responsible and inclusive planning and management for economic dimensions of intangible cultural heritage and its safeguarding. Safeguarding has to be led by communities, groups and individuals concerned, assisted where needed by different stakeholders, including States and State agencies, non-governmental organizations (NGOs) and civil society organizations, and the private sector. The guidance note can provide principles to guide economic dimensions of safeguarding planning, where required by communities, groups and individuals concerned, and support collaboration within communities and between them and external stakeholders.

The guidance note can also inform the work of the General Assembly, the Committee and its Evaluation Body, and the UNESCO Secretariat. Both positive and negative economic dimensions that may be associated with intangible cultural heritage and its safeguarding should be considered when evaluating nominations to the Lists and proposals for the Register of the Convention, or International Assistance requests, for example. International assistance and capacity-building mechanisms under the Convention could be used to assist communities, groups and individuals concerned, and external stakeholders, to benefit from insights and intersectoral cooperation on economic dimensions of intangible cultural heritage safeguarding.

Information about economic dimensions of intangible cultural heritage, and management of these processes within States should be collected (for example via specific indicators in the periodic reporting process, such as B15). Additional indicators to this end may be developed as part of the periodic reporting process in the reflection year (2025). Information could be shared via platforms on Periodic Reporting or the Article 18 mechanism. This can contribute to the development of further guidance on this issue.

Further research is also needed on economic dimensions of intangible cultural heritage safeguarding under the Convention to inform more detailed guidance. This can include deep dives into specific issues such as new digital environments and the use of inventories, or incorporating insights from tangible heritage conservation, biodiversity and climate change management into intangible cultural heritage safeguarding methodologies. It is important to develop practical tools including stakeholder- or sector-specific toolkits and case studies, tailored to the needs of communities, States, NGOs and public and private sectors and specific sectors such as tourism or foodways and agriculture.

Appropriate strategies for awareness raising about and effective use of this guidance note should be developed and implemented. There is also a need for intersectoral awareness raising, cooperation and data sharing between local and national levels of government, across ministries, across the 1972, 2003 and 2005 Conventions within UNESCO, and across international organizations, including the Food and Agriculture Organization (FAO), WIPO, and the Conference of the Parties to the CBD.

# Guidance note on economic dimensions of intangible cultural heritage safeguarding under the 2003 Convention

In December 2019, the Intergovernmental Committee requested that the Secretariat prepare a guidance note for communities, and States Parties concerning ‘the safeguarding measures and good practices that address the risk of decontextualization and over-commercialization of elements’ of intangible cultural heritage. Such measures should be integrated into safeguarding planning that can also, in many cases, support sustainable livelihoods and decent work.

In accordance with the Convention’s Ethical Principles, the primary role of communities, groups and individuals concerned should be respected in decisions on economic activity associated with their intangible cultural heritage, based on their free, prior, informed and sustained consent. They should be the primary beneficiaries of fair and equitable remuneration generated through their intangible cultural heritage. External judgments of what constitutes over-commercialization, decontextualization, misappropriation or misrepresentation should be avoided. Their rights and interests should be respected and protected in economic contexts, including customary practices governing access.

This guidance note thus suggests a flexible, heritage-sensitive and rights-based approach to management of economic dimensions of intangible cultural heritage and its safeguarding, meeting the specific needs of different communities, groups and individuals, as well as their intangible cultural heritage.

## A. Integrating economic dimensions of intangible cultural heritage in safeguarding planning

1. Communities, groups and individuals concerned, and community-led organizations, where they consider it to be appropriate and necessary, are invited to use heritage-sensitive planning and management processes to support responsible and sustainable economic activity associated with intangible cultural heritage practice and transmission, while ensuring safeguarding;
2. All stakeholders, led by communities, groups and individuals concerned, are invited to consider the following steps in developing such safeguarding measures, where appropriate:
  - a. identify, including in inventories and (if appropriate) nomination files under the Convention, any economic as well as other values associated with their intangible cultural heritage, customary practices governing access, information about appropriate contexts, acceptable boundaries of continuity and change, and potential risks and benefits of economic activity associated with their intangible cultural heritage;
  - b. determine how intangible cultural heritage practice, and any associated responsible production and consumption, may benefit communities, groups and individuals in a sustainable cultural, social, economic and environmental way, while safeguarding the heritage concerned and ensuring continued intangible cultural heritage practice;
  - c. identify key awareness-raising frameworks to communicate the meanings and values of the intangible cultural heritage to others, and the safeguarding strategies adopted;
  - d. identify existing cases of inappropriate economic uses of their intangible cultural heritage, such as over-commercialization, misappropriation, misrepresentation and decontextualization, and seek appropriate redress for them;

- e. enable internal processes for monitoring and evaluation of economic activity associated with their intangible cultural heritage practice and transmission, and early identification of challenges; and
  - f. identify possible mitigations and steps to implement them.
- 3. All stakeholders, led by community-led organizations or their representatives, or by a third party acceptable to them, should, where requested by them, support internal community consultation, dispute resolution and decision-making about economic dimensions of intangible cultural heritage safeguarding;
- 4. All stakeholders, led by communities, groups and individuals concerned, should, where requested by them, support and facilitate capacity building, networking and sharing of experiences within and among communities, regarding the relationship between safeguarding and economic activity associated with intangible cultural heritage, and how it can be used to achieve sustainable, equitable and inclusive economic benefit, reducing poverty and inequalities; and
- 5. All stakeholders, led by communities, groups and individuals concerned, should, where requested by them, support and/or reinforce collective actions and cooperative community structures to ensure sustainable, equitable and inclusive economic benefit associated with their intangible cultural heritage, reducing poverty and inequalities.

## **B. Collaboration and partnerships**

- 6. Collaborations and partnerships, such as mechanisms for dialogue and conflict resolution should be fostered, where needed, among and between communities and different stakeholders, including States and State agencies, non-governmental organizations and civil society organizations, as well as the private sector. These can support communities in developing heritage-sensitive approaches to economic dimensions of intangible cultural heritage and its safeguarding;
- 7. Access to legal and financial support and advice, start-up capital, suitable business partners or marketing platforms may be provided by external stakeholders to support communities, groups and individuals concerned in this work;
- 8. Awareness-raising programmes should be developed for third parties, including entrepreneurs and audiences or consumers, to promote understanding, appreciation, and respect for intangible cultural heritage, and related products and services created and valued by communities, groups and individuals concerned; and
- 9. Good practice examples of heritage-sensitive approaches to economic dimensions of intangible cultural heritage and its safeguarding that promote community benefit should be developed and shared with relevant stakeholders, as part of capacity-building initiatives to increase third-party awareness of risks and benefits for communities, groups and individuals concerned.

## **C. Policies and actions by States and intergovernmental organizations**

- 10. Appropriate and well-coordinated legal and policy frameworks, ethical guidelines, protocols, dispute resolution processes, mediation mechanisms or consultative bodies and other interventions including financial support, education and awareness-raising, should be developed to maximize beneficial opportunities for communities, groups and individuals concerned linked to economic aspects of intangible cultural heritage practice and transmission, while preventing and mitigating threats and risks. Interventions can relate to multiple sectors aside from culture, including trade and industry, tourism, agriculture, food and traditional medicine. Prevention and mitigation actions should pay particular attention to addressing possible power asymmetries, both within communities and groups, as well as between them and external actors using their intangible cultural heritage for economic gain;
- 11. Robust and regular monitoring and evaluation mechanisms, with appropriate indicators, should be established on the regional, national or sub-national level, in which communities and/or organizations

are fairly represented, to determine the challenges faced by communities, groups and individuals regarding economic dimensions of intangible cultural heritage safeguarding. Based on such information, and data from inventories and nomination files, the opportunities, benefits, and potential risks of economic activity associated with intangible cultural heritage practice and transmission in different domains, communities or groups, sectors of society, regions or parts of a country should be reviewed and evaluated; and

12. Mitigations should be developed and implemented against identified harms arising from economic activity to ensure safeguarding of the intangible cultural heritage and to support equitable community benefit and control over it, where required by them. Such mitigations can include awareness-raising and capacity-building for communities, groups and individuals concerned and external stakeholders in respect of legal and policy frameworks and enforcement of rights. Specific mitigations may be developed for elements of endangered intangible cultural heritage and vulnerable or disadvantaged communities or groups.

*The Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage endorsed this guidance note at its eighteenth session (Kasane, Republic of Botswana, 5 to 8 December 2023).*