

**Intergovernmental Special Committee meeting of experts (Category II)
related to a Draft Recommendation concerning the Preservation of, and
Access to, Documentary Heritage in the Digital Era**

1-2 July 2015
UNESCO House, Paris (Fontenoy Building, Room IV)

Circular Letter 4104 dated 3 April 2015

Circular Letter 4104 including:

- **The Revised Draft Recommendation concerning the Preservation of, and Access to, Documentary Heritage in the Digital Era**



United Nations
Educational, Scientific and
Cultural Organization

03/04/2015

Ref.: CL/4104

Subject: **Revised Draft Recommendation concerning the Preservation of,
and Access to, Documentary Heritage in the Digital Age**

Sir/Madam,

I wish to refer to my Circular Letter, reference CL/4075 of 4 September 2014, by which I transmitted to you the first draft of the Recommendation concerning the Preservation of, and Access to Documentary Heritage in the Digital Age for your comments, on the basis of which a revised draft Recommendation would be prepared.

I wish also to refer to my Circular Letter, with reference CL/4087 of 22 December 2014, by which I invited your authorities to designate an expert(s) to represent your Government at an intergovernmental meeting (category II) of technical and legal experts in the related field that will take place at UNESCO Headquarters on 1 and 2 July 2015, with a view to preparing a finalized draft of the above-mentioned Recommendation on the basis of the revised draft Recommendation.

By the present Circular Letter and in accordance with Article 10.3 of the "Rules of Procedure concerning Article IV, paragraph 4, of the Constitution", I am pleased to submit to you the revised draft Recommendation that will be examined by the experts at the intergovernmental meeting next July, prior to its submission to the 38th session of the General Conference for its consideration.

I wish kindly to request, therefore, that the name(s) of your country's expert(s) who will attend the intergovernmental meeting next July be sent to the Memory of the World Secretariat at the address indicated hereunder by **1 June 2015**:

Ms Iskra Panevska
Universal Access & Preservation Section
Knowledge Societies Division
Communication and Information Sector
7 Place de Fontenoy
75352 Paris
France
Email: i.panevska@unesco.org

In accordance with the established rules, the travel and all other expenses related to the participation of experts in the meeting will be borne by the government they represent.

Accept, Sir/Madam, the assurances of my highest consideration.

Irina Bokova
Director-General

Enclosure: 1

cc: National Commissions for UNESCO
Permanent Delegations to UNESCO

REVISED DRAFT

SAFEGUARDING THE MEMORY OF THE WORLD- UNESCO RECOMMENDATION CONCERNING THE PRESERVATION OF AND ACCESS TO, DOCUMENTARY HERITAGE IN THE DIGITAL ERA

PREAMBLE

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 2015, at its 38th session,

Considering that the documentary heritage produced and preserved over time, in all its analogue and digital forms through time and space, constitute primary means of knowledge creation and expression and has become part of humanity's heritage impacting all areas of life,

Considering that documentary heritage records the unfolding of human thought and events, the evolution of languages, cultures, peoples and their understanding of the world, and is thereby an indispensable part of knowledge societies,

Underlining the importance of documentary heritage to promote the sharing of knowledge for greater understanding, dialogue and culture of peace, in order to counter intolerance, hatred and all forms of discrimination and to build the defences of peace in the minds of women and men, through solidarity, exchange and respect for human rights and dignity,

Noting that the evolution of documentary heritage enables intercultural education and personal enrichment, underpins social and economic systems, scientific and technological progress and is a crucial resource for development,

Considering at the same time that the preservation and long term accessibility of documentary heritage underpins fundamental freedoms of opinion, expression and information as essential human rights,

Also considering that universal access to documentary heritage strengthens peaceful coexistence and international understanding, while respecting fully the legitimate interests of copyright and related rights holders,

Recognizing that aspects of the history and culture which exist in the form of documentary heritage may not be conveniently accessible,

Recognizing also that over time considerable parts of documentary heritage have disappeared due to neglect, deterioration, lack of resources, accidental or unwarranted disposal, natural and man-made disasters, social upheaval and armed conflict, or are becoming inaccessible through rapid technological change and obsolescence, the lack of up to date legislation, resulting in irreversible loss and impoverishment of that heritage,

Recalling that, in response to this challenge, UNESCO established the Memory of the World Programme in 1992 to increase awareness and protection of the world's documentary heritage, and to provide its universal and permanent accessibility,

Taking into account the rapid evolution of technology, and the challenge of establishing models and processes for preserving digital heritage objects, including complex ones, such as multi-media works, interactive hypermedia, online dialogues and dynamic data objects from complex systems, mobile content and future emerging formats,

Referring to the rights and responsibilities of States to take appropriate measures for the protection, preservation and accessibility of documentary heritage,

Taking into account the Universal Declaration on Archives (2010) accepted by the International Council on Archives (ICA), and endorsed by the **36th session of the General Conference of UNESCO** (2011) as well as the IFLA (The International Federation of Library Associations and Institutions) Statement on Libraries and Intellectual Freedom (1999) and the UNESCO/UBC Vancouver Declaration (2012).

Noting also that the General Conference of UNESCO has already adopted several international instruments relating to the protection of some elements of documentary heritage, in particular:

Convention for the Safeguarding of the Intangible Cultural Heritage (2003)

Convention concerning the Protection of the World Cultural and Natural Heritage (1972)

Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and

Protocols (1954, 1999)

Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace (2013)

Recommendation for the Safeguarding and Preservation of Moving Images (1980)

Charter on the Preservation of Digital Heritage (2003)

Having decided at its 37th session, that this question should be the subject of a Recommendation to Member States,

Adopts, the day of 2015, the present Recommendation:

For the purposes of this Recommendation, a **document** is an object comprising analogue or digital informational *content* and the *carrier* on which it resides. It is preservable and usually moveable. The content may comprise signs or codes (such as text), images (still or moving) and sounds, which are able *to* be copied or migrated. The carrier may have important aesthetic, cultural or technical qualities. The relationship between content and carrier may range from incidental *to* integral.

Documentary heritage comprises those single documents, or groups of documents of significant and enduring value to a community, a culture, a country or to humanity generally, selected according to established criteria, and whose deterioration or loss would be a harmful impoverishment. Significance of this heritage may become clear only with the passage of time. All documentary heritage of national

and historical significance should be considered by Member States as part of the global documentary heritage, which should be handed down in its entirety to future generations.

The world's documentary heritage belongs to all, should be fully preserved and protected for all, and, with due recognition of cultural mores and practicalities, should be permanently accessible to all without hindrance. It provides the means for understanding social, political, community as well as personal history. It can help to underpin good governance and sustainable development. For each country, its documentary heritage defines its national memory and identity, and thus contributes to determine its place in the global community.

1. IDENTIFICATION OF DOCUMENTARY HERITAGE

1.1 Member States are invited to establish principles, guided by internationally defined standards, for determining, through research and consultation, which documents constitute their documentary heritage. The documents should be managed in a way that ensures their preservation and accessibility over time, and assigns means of discovery, including cataloguing and metadata.

1.2 Member States are encouraged to identify specific documentary heritage whose survival is at potential or imminent risk, and draw it to the attention of competent bodies able to take appropriate preservation measures. They should support and strengthen their relevant memory institutions and, where practical and appropriate, encourage private owners to care for their own documentary heritage in the public interest. Similarly, public and private institutions should ensure professional care for the documents which they themselves create.

1.3 Policies, mechanisms and criteria for selecting, acquiring and deselecting documentary heritage should be developed by memory institutions such as libraries, archives and museums in coordination with civil society, taking account not only of key documents but also of their contextual material, including social media. Selection criteria must follow the principle of non-discrimination and be neutrally based. Documents of enduring value should be distinguished from those intended for temporary retention. Because of their inherently temporary nature, decisions concerning the preservation of digital documents may need to be made at or before the time of creation.

1.4 Member States should encourage the identification and nomination of significant documentary heritage to the relevant national, regional or international Memory of the World Register as a means of raising awareness and promoting preservation and access.

2. PRESERVATION OF DOCUMENTARY HERITAGE

2.1 Preservation is not a once and for all time action. It is an ongoing process requiring the ongoing management of both analogue and digital objects. In the case of digital documents, action and intervention are desirable from before the point of creation and acquisition, in order to optimize further management, minimize costs and to properly manage the risks involved. Delay or neglect of action by Member States and other relevant stakeholders, will inevitably result in the loss of digital documents.

2.2 In pursuing measures of preservation, integrity, authenticity and reliability should be the guiding principle. Concrete measures and actions should follow the recommendations, guidelines, best practices and standards developed or supported by documentary heritage professional organizations. The Memory of the World Programme, in coordination with the competent international Organizations, and the relevant national institutions, provides an appropriate framework for monitoring these guidelines and their further development in accordance with technological advancement and archival needs.

2.3 Member States are encouraged to develop awareness raising measures and policies as a key component of preservation, including promoting research as well as training for documentary heritage professionals. These should embrace curatorial best practices, current and emerging technologies, forensic skills and core competencies in relevant science, technology and engineering, thereby raising awareness of the urgency of timely preservation action in a constantly changing environment.

2.4 The existence of possibly legitimate access restrictions on any part of the documentary heritage can inhibit or limit the ability of memory-institutions to take such preservation action which Member States are invited to take this consideration into account when implementing this recommendation, and updating their relevant domestic legislation.

2.5 Member States should encourage consistency of best practice preservation standards and practices across relevant institutions, including risk management, and investment in appropriate technical infrastructure. This may include nationwide coordination and sharing of tasks among nominated institutions, based on their existing roles, strengths and responsibilities.

2.6 Member States are encouraged to participate in the development of international standards for preservation. Member States are further invited to encourage relevant institutions to link with the appropriate professional associations and the Memory of the World Programme to both enhance and share their technical knowledge, and contribute to the ongoing development of research, guidelines and standards.

3. ACCESS TO DOCUMENTARY HERITAGE

3.1 Member States are encouraged to provide appropriate legal frameworks for relevant institutions and ensure their necessary independence in preserving and providing access to documentary heritage, so as to sustain public trust in the scope of material selected, and the way it is preserved. The provision of access is visible evidence and justification of public expenditure on preservation.

3.2 Member States are urged to promote and facilitate maximum inclusive access to, and use of, documentary heritage by empowering relevant institutions to provide accurate and up-to-date catalogues and finding aids, equitable person-to-person access services, Internet and web-based publications and portals, electronic and digitized content, using international best practice standards. Member States are further encouraged to participate in the development of international standards for access, using recognized standards that support interoperability.

3.3 The avenues for proactive access are multiplying through the growth of the digital media and the development of global networks among relevant institutions and their partners. Member States should incite and support them to develop outreach programmes, including exhibitions, travelling presentations, radio and television programmes, publications, consumer products, online streaming, social media, lectures, educational programmes, special events and the digitization of content for downloading.

3.4 Access programmes to documentary heritage may be facilitated by public-private partnerships and commercial sponsorship of memory institutions, as well as by less formal partnering arrangements. Member States are invited to encourage such arrangements if they are responsible and equitable. Such partnerships should not constitute any exclusive rights or privileges that would restrict universal access.

3.5 Where restrictions to accessing documentary heritage are necessary to protect privacy, human safety, security, confidentiality or for other legitimate reasons, they should be clearly defined and

stated and be of limited duration. Where necessary, they should be underpinned by appropriate law or regulation as determined by each country.

3.6 The legitimate interests of rights-holders should be recognized and observed for their duration. When updating or enacting new legislation which impacts on access to the documentary heritage, Member States should seek to strike a fair balance between obtaining a just reward for creators and supporting the broad dissemination of information and knowledge fundamental to the public memory, as embodied in the documentary heritage.

3.7 Member States are invited to enhance the visibility and accessibility of their documentary heritage through the outreach activities and publications of the Memory of the World Programme, with investment in digitization of content for access purposes now being one of its key components. Member States should seek to protect and promote public domain access, and wherever possible, encourage the use of open and creative commons licensing

4. POLICY MEASURES

4.1 Member States are urged to view their documentary heritage as an asset to be protected, nurtured and drawn upon, not as an expense to be endured, and to apply this perspective in national legislation. They are further encouraged to recognize the long term need for new investment in digital infrastructure and skills, and to endow relevant institutions adequately to manage the increasing scope of their responsibilities.

4.2 At the same time, in the context of their national heritage policies, Member States are encouraged to take a global view of the needs of relevant institutions, beyond the practicalities of infrastructure, and encourage logical partnerships and cost sharing with universities and other entities in setting up shared facilities, processes and services.

4.3 Member States should encourage the development of new forms and tools of education and research on documents and their mediation into the public sphere, thus improving access. They should foster the use of the Memory of the World Programme as a catalyst for such innovative activities.

4.4 Through legislation and policy, Member States are encouraged to create a stable, enabling environment that will give incentives to sponsors, foundations and other external parties to support relevant institutions and, with them, to invest in the preservation and accessibility of documentary heritage in the public interest.

4.5 Member States are encouraged to periodically review copyright codes and legal deposit regimes to ensure they are fully effective for preserving and accessing documentary heritage in all its forms.

4.6 Where preserving and accessing documentary heritage requires the use of software or other proprietary technology not covered by copyright exceptions, Member States are encouraged to require centralized national escrow deposits that will guarantee permanent access by relevant institutions to proprietary codes, keys and unlocked versions of technology on a non-profit basis.

4.7 Member States should encourage the use of internationally recognised open source software for managing digital documentary heritage, and seek the cooperation of software and hardware developers in extracting data and content from proprietary technologies. Likewise, their relevant institutions should aim for international standardisation and interchangeability of cataloguing methods and standards.

4.8 Member States are invited to support the Memory of the World Programme in monitoring the progress of policy initiatives affecting documentary heritage, including monitoring the status of documentary heritage inscribed on relevant Memory of the World registers.

5. NATIONAL AND INTERNATIONAL COOPERATION

5.1 In view of the need to intensify national and international co-operation and exchanges, in particular through the pooling of human and material resources to assist research and the protection and preservation of documentary heritage, Member States should support the exchange of research data, publications, and information; the training and exchange of specialist personnel and equipment; and the organization of meetings, study courses and working groups on particular subjects, such as cataloguing, risk management, identification of endangered documentary heritage and modern research.

5.2 Member States should encourage cooperation with international and regional professional associations, institutions and organizations concerned with documentary heritage preservation and access, with a view to implementing bilateral or multilateral research projects and publishing guidelines, policies and best practice models.

5.3 Member States are invited to facilitate the exchange between countries of copies of documentary heritage that relates to their own culture, shared history or heritage, and of other identified documentary heritage, which has been the object of preservation work in country.

5.4 To the best of their ability, Member States should take all necessary measures to safeguard their documentary heritage against all human and natural dangers to which it is exposed, including the risks deriving from armed conflicts, occupation of territories, or public disorders of other kinds. Likewise, they should refrain from acts likely to damage documentary heritage or diminish its value or impede its dissemination or use, whether it is to be found on the territory of one Member State or on the territory of other States.

5.5 Member States are invited to strengthen their cooperation with the Memory of the World Programme through their relevant institutions by establishing national Memory of the World committees and registers, where they do not yet exist. This should include among others, development of academic curricula for digital preservation, as well as networking activities at national, regional and international levels for more effective implementation of Memory of the World Programme, and the promotion of exchanges of experiences among UNESCO Member States based on best practice models shared by different national and regional Memory of the World committees.

The General Conference recommends that Member States should apply the above provisions concerning the preservation of and access to documentary heritage by taking whatever legislative measures or other steps may be required, in conformity with the constitutional practice of each State, to give effect, within their respective territories to the principles, measures and norms set forth in this Recommendation.

The General Conference recommends that Member States bring this Recommendation to the attention of the appropriate authorities and bodies.

The General Conference recommends that Member States should report to it, by the dates and in a manner to be determined by it, on the action they have taken to give effect to this Recommendation.