**UNESCO'S DRAFT CHARTER
ON THE PRESERVATION OF THE DIGITAL HERITAGE**

BACKGROUND

1.   The General Conference of UNESCO adopted at its 31st session in 1999 resolution 34, drawing attention to the ever-growing digital heritage in the world and the need for an international campaign to safeguard endangered digital memory. The General Conference also invited the Director-General to prepare a discussion paper for the 164th session of the Executive Board containing elements of a draft charter on the preservation of born-digital documents, to be submitted for adoption to the General Conference at its 32nd session in 2003, as well as to encourage the governmental and non-governmental organizations and international, national and private institutions to ensure that preservation of the digital heritage be given high priority at the national policy level.

2.   Accordingly, the Director-General submitted in May 2002 to the Executive Board document 164 EX/21 highlighting the principles for the preservation and continued accessibility of the world's growing digital heritage and containing elements for a draft charter and strategy for the preservation of this heritage.

3.   Many speakers congratulated the Director-General on the report and expressed support for the proposed strategy. Several Board Members noted the urgency for rapid UNESCO action in this regard, while recognizing the need for in-depth examination of the complexities involved in this evolving domain. Some speakers emphasized the need for more regional expert meetings and cooperation with other partners, such as the private sector and industries. The importance of awareness-raising was also noted. The issue of copyright, as well as the challenge of technological divides, was raised.

4.   The Executive Board then adopted 164 EX/Decision 3.6.1 recognizing that the preservation of the digital heritage of all regions and cultures is an urgent issue of worldwide concern, and inviting the Director-General to prepare a preliminary draft charter on the preservation of the digital heritage to be discussed in appropriate forums and distributed to Member States for broad consultations and subsequently to submit a revised draft charter to the Executive Board at its 166th session.

CONSULTATIONS

5.   Accordingly, the Director-General invited Member States to send comments and observations on document 164 EX/21 and its annex on "elements for a draft charter". This document was also examined by the Bureau of the Intergovernmental Council for the Information for All Programme, at its second session, held on 2 and 3 September 2002. The Bureau welcomed the report and requested "the Director-General to closely involve the Intergovernmental Council of the Information for All Programme and its Bureau in the preparation of the Charter.

6.   On the basis of the comments received from Member States and intergovernmental and international non-governmental organizations, a Preliminary Draft Charter was prepared by the end of September 2002. Again the Director-General invited Member States to send comments and observations.

7.   This was then fed into a round of five regional expert meetings which took place as follows:

(a)   Asia/Pacific: 4-6 November 2002 in Canberra, Australia;

(b)   Latin America/Caribbean: 18-20 November 2002 in Managua, Nicaragua;

(c)   Africa: 9-11 December 2002 in Addis Ababa, Ethiopia;

   Baltic countries: 18-20 December 2002 in Riga, Latvia;

   Central European countries, 17-18 March 2003 in Budapest, Hungary.

These consultations were held in close cooperation with the concerned National Commissions for UNESCO and built sequentially on each other. They reviewed digital preservation challenges in the respective regions. Participants discussed and prepared comments on the Preliminary Draft Charter, and a second document setting out detailed technical Guidelines on the preservation of digital heritage, prepared for UNESCO by the National Library of Australia. The Guidelines are intended as a companion sourcebook to the Charter. The comments and outcomes of the Canberra meeting served as an input for the Managua meeting, which followed a similar pattern, and so on. Revised versions of the Preliminary Draft Charter were produced in the course of this sequential process and fed back into it, as the comments accumulated.

8.   These regional meetings were attended by a total of some 175 experts from 86 countries, representing a wide range of stakeholders and disciplines including libraries and archives, Internet service providers, national standardization agencies, software and hardware industry representatives, journalists, lawyers, universities and government authorities. They affirmed strong support for UNESCO's initiative in preparing a Charter on the Preservation of Digital Heritage. The document was seen as an important means of focusing worldwide attention on the important issues at stake, as well as encouraging responsible action.

The draft document has evolved considerably through the consultation process. The text submitted to the Executive Board in April 2003 as document 166 EX/18 is a distillation of the views of the Intergovernmental Council, the five regional expert consultations, and of the many written comments separately received from more than 45 Member States and 15 international organizations in response to the Director-General's letters of 31 July and 26 November 2002.

In his presentation to the Executive Board, the representative of the Director-General stressed that the Charter was a declaration of principles focusing on advocacy and public policy issues, the technical and practical issues being covered in the Guidelines for the Preservation of the Digital Heritage, prepared for UNESCO by the National Library of Australia. The Guidelines are intended to be a companion sourcebook to the draft Charter.

Many speakers expressed support for the adoption of the draft Charter at the 32nd session of the General Conference. Speakers said they appreciated the broad consultations undertaken by the Secretariat and many said the new text reflected most of their comments and observations. Indeed, it was said that the text scrupulously observed the wishes of the General Conference.

Delegated emphasized the pressing need for the adoption of the Charter. We live in a "digital dark age" and unless urgent action is taken, "digital archaeology" will emerge as a new discipline.

Several speakers expected the Charter to help Member States prepare their national policies, inspiring responsible action for preservation of and access to digital heritage.

While the draft Charter was supported by all speakers, two delegates suggested that the final document be called a declaration and not a charter.

The Legal Adviser indicated that in the UNESCO practice, a charter and a declaration are essentially the same kind of instrument. They are both non-binding normative instruments that declare, in a relatively short form, a certain number of principles.

12.   The Executive Board then adopted decision 166 EX/6.4 inviting the Director-General to further revise the draft charter on the preservation of the digital heritage, taking into account the discussions at its 166th session and at the second session of the Intergovernmental Council for the Information for All Programme, to be held from 22 to 24 April 2003, as well as any contributions which Member States might wish to make; and also to submit a consolidated draft charter on the preservation of the digital heritage to the General Conference at its 32nd session.

13.   The Intergovernmental Council for the Information for All Programme examined at its second session document 166 EX/18. The Council endorsed the revised draft Charter on the Preservation of the Digital Heritage, noted the decision adopted by the Executive Board, and invited the Director-General to take into account the discussions of the Council when submitting the revised text to the General Conference at its 32nd Session.

14.   A discussion forum on the draft Charter was opened on the Internet during May 2003. Not much traffic was generated by the forum. Only a few written comments were received from Member States and NGOs. The following consolidated version was prepared taking into account the discussions at the 166th session of the Executive Board and at the second session of the Intergovernmental Council for the Information for All Programme, as well as all contributions received.

15.   In consequence, the present consolidated Draft Charter, to be submitted to the General Conference in October 2003:

- is relatively short, concise and to the point;
- clearly states the problem and proposes achievable solutions;
- communicates the relative urgency of the situation;
- defines "digital heritage" as a distinct set within the totality of digital media;
- aims to be inspirational and declarative rather than prescriptive;
- envisions a process leading to an international recommendation.

ANNEX I

DRAFT CHARTER ON THE PRESERVATION OF THE DIGITAL HERITAGE

PREAMBLE

The General Conference,

Considering that the disappearance of heritage in whatever form constitutes an impoverishment of the heritage of all nations,

Recalling that the Constitution of UNESCO provides that the Organization will maintain, increase and diffuse knowledge, by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, that its "Information for All" Programme provides a platform for discussions and action on information policies and the safeguarding of recorded knowledge, and that its "Memory of the World" Programme aims to ensure the preservation and universal accessibility of the world's documentary heritage,

Recognizing that such resources of information and creative expression are increasingly produced, distributed, accessed and maintained in digital form, creating a new legacy – the digital heritage,

Aware that permanent access to this heritage will offer broadened opportunities for creation, communication and sharing of knowledge among all peoples,

Understanding that this digital heritage is at risk of being lost and that its preservation for the benefit of present and future generations is an urgent issue of worldwide concern,

Bearing in mind the UNESCO Universal Declaration on Cultural Diversity,

Proclaims the following principles and *adopts* the present Charter.

THE DIGITAL HERITAGE AS A COMMON HERITAGE

ARTICLE 1 – SCOPE

The digital heritage consists of unique resources of human knowledge and expression. It embraces cultural, educational, scientific and administrative resources, as well as technical, legal, medical and other kinds of information created digitally, or converted into digital form from existing analogue resources. Where resources are "born digital", there is no other format but the digital object.

Digital materials include texts, databases, still and moving images, audio, graphics, software, and web pages, among a wide and growing range of formats. They are frequently ephemeral, and require purposeful production, maintenance and management to be retained.

Many of these resources have lasting value and significance, and therefore constitute a heritage that should be protected and preserved for current and future generations. This ever-growing heritage may exist in any language, in any part of the world, and in any area of human knowledge or expression.

ARTICLE 2 – ACCESS TO THE DIGITAL HERITAGE

The purpose of preserving the digital heritage is to ensure that it remains permanently accessible and meets the citizen's fundamental right to consult public records. Accordingly, access to digital heritage materials, especially those in the public domain, should be equitable and free of unreasonable restrictions. At the same time, sensitive and personal information should be protected from any form of intrusion.

It is for each Member State to cooperate with relevant organizations and institutions in encouraging a legal and practical environment which would maximise accessibility of the digital heritage. A fair balance between the legitimate rights of creators and other rights holders and the interests of the public to access digital heritage materials should be reaffirmed and promoted, in accordance with international norms and agreements.

GUARDING AGAINST LOSS OF HERITAGE

ARTICLE 3 – THE THREAT OF LOSS

The world's digital heritage is at risk of being lost to posterity. Contributing factors include the rapid obsolescence of the hardware and software which brings it to life, uncertainties about resources, responsibility and methods for maintenance and preservation, and the lack of supportive legislation.

Attitudinal change has fallen behind technological change. Digital evolution has been too rapid and costly for governments and institutions to develop timely and informed

preservation strategies. The threat to the economic, social, intellectual and cultural potential of the heritage – the building blocks of the future – has not been fully grasped.

ARTICLE 4 – NEED FOR ACTION

Unless the prevailing threats are addressed, the loss of the digital heritage will be rapid and inevitable. Member States will benefit by encouraging legal, economic and technical measures to safeguard the heritage. Awareness-raising and advocacy is urgent, alerting policy makers and sensitizing the general public to both the potential of the digital media and the practicalities of preservation.

ARTICLE 5 – DIGITAL CONTINUITY

Continuity of the digital heritage is fundamental. To preserve digital heritage, measures will need to be taken throughout the digital information's life cycle, from creation to access. Long-term preservation of digital heritage begins with the design of reliable systems and procedures which will produce authentic and stable digital objects.

MEASURES REQUIRED

ARTICLE 6 – DEVELOPING STRATEGIES AND POLICIES

Strategies and policies to preserve the digital heritage need to be developed, taking into account the level of urgency, local circumstances, available means and future projections. The cooperation of holders of copyright and related rights, and relevant institutions in setting common standards and compatibilities, and resource sharing, will facilitate this.

ARTICLE 7 –SELECTING WHAT SHOULD BE KEPT

As with all documentary heritage, selection principles may vary between countries, although the main criteria for deciding what digital materials to keep would be their significance and lasting cultural, scientific, evidential or other value. 'Born digital' materials should clearly be given priority. Selection decisions and any subsequent reviews need to be carried out in an accountable manner, and be based on defined principles, policies, procedures and standards.

ARTICLE 8 – PROTECTING THE DIGITAL HERITAGE

Member States need appropriate legal and institutional frameworks to secure the protection of their digital heritage. Market forces alone will not achieve this.

As a key element of national preservation policy, archive legislation and legal or voluntary deposit in libraries, archives, museums and other public repositories should embrace the digital heritage.

The right to permanent access to legally deposited digital heritage materials, within reasonable restrictions, should be guaranteed without causing prejudice to their normal exploitation.

Legal and technical frameworks for authenticity are crucial to prevent manipulation or intentional alteration of digital heritage. Both require that the content, functionality of files and documentation be maintained to the extent necessary to secure an authentic record.

ARTICLE 9 – PROMOTING CULTURAL DIVERSITY

The digital heritage is inherently unlimited by time, geography, culture or format. It is culture-specific, but potentially accessible to every person in the world. Minorities may speak to majorities, the individual to a global audience.

The digital heritage of all regions, countries and communities should be preserved and made accessible, so as to create over time a balanced and equitable representation of all peoples, nations, cultures and languages.

RESPONSIBILITIES

ARTICLE 10 – ROLES AND RESPONSIBILITIES

It is for each Member State to designate one or more agencies to take coordinating responsibility for the preservation of digital heritage, and to provide the necessary staff and resources. The sharing of tasks and responsibilities may be based on existing roles and expertise.

Measures should be taken to:

(a)   urge hardware and software developers, creators, publishers, producers, and distributors of digital materials as well as other private sector partners to cooperate with national libraries, archives, museums and other public heritage organizations in preserving the digital heritage;

(b)   develop training and research, and share experience and knowledge among the institutions and professional associations concerned;

(c)   encourage universities and other research organizations, both public and private, to ensure preservation of research data.

ARTICLE 11 – PARTNERSHIPS AND COOPERATION

Preservation of the digital heritage requires sustained efforts on the part of governments, creators, publishers, relevant industries and heritage institutions.

In the face of the current digital divide, it is necessary to reinforce international cooperation and solidarity to enable all countries to ensure creation, dissemination, preservation and continued accessibility of their digital heritage.

Industries, publishers and mass communication media are urged to promote and share knowledge and technical expertise.

The stimulation of education and training programmes, resource-sharing arrangements, and dissemination of research results and best practices will democratize access to digital preservation techniques.

ARTICLE 12 – THE ROLE OF UNESCO

UNESCO, by virtue of its mandate and functions, has the responsibility to:

(a)   take the principles set forth in this Charter into account in the functioning of its programmes and promote their implementation within the United Nations system and by intergovernmental and international non-governmental organizations concerned with the preservation of the digital heritage;

(b)   serve as a reference point and a forum where Member States, intergovernmental and international non-governmental organizations, civil society and the private sector may join together in elaborating objectives, policies and projects in favour of the preservation of the digital heritage;

(c)   foster cooperation, awareness-raising and capacity-building, and establish standard ethical, legal and technical guidelines, to support the preservation of the digital heritage;

(d)   determine, on the basis of the experience gained over the next six years in implementing the present Charter and the Guidelines, the need for further standard-setting instruments for the promotion and preservation of the digital heritage.

ANNEX II

LIST OF INTERNATIONAL GOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS CONSULTED ON THE PRELIMINARY DRAFT CHARTER

African Council for Communication Education

Arab League Educational, Cultural and Scientific Organization (ALECSO)

Asian Media Information and Communication Centre

Central American Educational and Cultural Coordination (CECC)

Computer Law Association

Council of Europe

European Bureau for Lesser Used Languages

European Commission

The European Institute for the Media

International Association of Broadcasting (IAB)

International Association for Social Science Information Service and Technology (IASSIST)

International Association of Scientific, Technical and Medical Publishers (STM)

International Council on Archives (ICA)

International Council for Engineering and Technology (ICET)

International Council for Film, Television and Audiovisual Communication (ICTC)

International Council for Philosophy and Humanistic Studies (ICPHS)

International Council for Science (ICSU)

International Federation of Data Organizations in the Social Sciences (IFDO)

International Federation for Information and Documentation (FID)

International Federation of Journalists (IFJ)

International Federation of Library Associations and Institutions (IFLA)

International Federation of the Phonographic Industry (IFPI)

International Organization of the Francophonie (OIF)

International PEN

International Press Institute (IPI)

International Publishers Association (IPA)

International Social Science Council (ISSC)

International Telecommunication Union (ITU)

Internet Society

Inter-Parliamentary Union (IPU)

Islamic Educational, Scientific and Cultural Organization (ISESCO)

Latin American Social Sciences Council

Latin Union

Pan-African Union for Science and Technology South-East Asian Ministers of Education Organization (SEAMEO)

Summer Institute of Linguistics (SIL)

Union of African Parliaments (UAP)

World Association of Newspapers (WAN)

World Federation of Engineering Organization (WFEO)

World Health Organization (WHO)

World Intellectual Property Organization (WIPO/OMPI)

World Press Freedom Committee (WPFC)

World Trade Organization (WTO)