

Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that State Party of its instrument of ratification, acceptance, approval or accession.

5. The procedure set out in paragraphs 3 and 4 shall not apply to amendments to article 5 concerning the number of States Members of the Committee. These amendments shall enter into force at the time they are adopted.

6. A State which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this article shall, failing an expression of different intention, be considered:

- (a) as a Party to this Convention as so amended; and
- (b) as a Party to the unamended Convention in relation to any State Party not bound by the amendments.

Article 39. Authoritative texts

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.

Article 40. Registration

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.

137. CHARTER ON THE PRESERVATION OF DIGITAL HERITAGE

Adopted at Paris on 15 October 2003

United Nations Educational, Scientific and Cultural Organization, 32 C/Resolution 42

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 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,

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 accessible to the public. Accordingly, access to digital heritage materials, especially those in the public domain, should be free of unreasonable restrictions. At the same time, sensitive and personal information should be protected from any form of intrusion.

Member States may wish to cooperate with relevant organizations and institutions in encouraging a legal and practical environment which will maximize 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 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 other stakeholders, 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.

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.

Access to legally deposited digital heritage materials, within reasonable restrictions, should be assured 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. Preserving cultural heritage

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 assure over time representation of all peoples, nations, cultures and languages.

RESPONSIBILITIES

Article 10. Roles and responsibilities

Member States may wish to designate one or more agencies to take coordinating responsibility for the preservation of the digital heritage, and to make available necessary 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 nongovernmental 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 propose 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, whether there is a need for further standard-setting instruments for the promotion and preservation of the digital heritage.
