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# World Heritage

# 31 COM

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## UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

### CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

#### WORLD HERITAGE COMMITTEE

**Thirty first Session**

**Christchurch, New Zealand**  
**23 June – 2 July 2007**

**Item 11D of the Provisional Agenda: Reflection on the preparation of the next cycle of Periodic Reporting**

**11D.2 Web access to World Heritage Documentation**

#### **SUMMARY**

This document presents a proposal to make available the Nomination Files of inscribed properties on the World Heritage Centre's Website. The document is structured in four sections:

- 1) introduces the background to previous discussions on this topic;
- 2) sets out the proposal;
- 3) explains the rationale in favour of providing access to Nomination Files on the World Heritage Centre's website;
- 4) addresses the concerns that have been expressed about granting public access to the Nomination Files.

**Draft Decision: 31 COM 11D2, see Point II**

## **I. Making available the Nomination Files of inscribed properties on the World Heritage Centre's Website**

### **A. Background**

1. The Nomination Files of inscribed properties have been publicly available in the physical libraries of ICOMOS, IUCN, and the World Heritage Centre for many years, but in paper form only, requiring a visit to Paris or Gland to access the information.
2. In recent years, the World Heritage Centre has digitized the Inscribed Property Nomination Files both to preserve the records for posterity (archival) and to make reference and distribution easier for processes such as Periodic Reporting. The Advisory Bodies have been actively utilizing these digital files with great benefit for several years. Digitization was an important step as files from the early years of the *World Heritage Convention* were in a poor state, often missing components, or misplaced.
3. There is a great demand for access to the Nomination files. Every week the World Heritage Centre receives requests in writing, by email, and in person from States Parties, Site Managers, Non Governmental Organizations (NGOs), and researchers requesting access. The files are made available but providing access on request has become an increasing drain on resources and a burden for the users.
4. In the absence of online access from UNESCO, some States Parties, Regional and Local Authorities, Site Managers, Universities, and individuals have chosen to provide electronic access to Nomination Files on their own websites. A quick survey has found over 400 websites available around the world. Unfortunately, many of these scattered documents are presented as "The Nomination" when they are not in fact the document reviewed by the Committee. In some cases they are early drafts, in other cases later revisions, and in still other cases they lack portions of the official dossier or include additional material not part of the official nomination. As a result there is great confusion over what constituted the official dossier at the time of inscription and what the Committee made its decision on.
5. In 2003, following a growing demand by States Parties and the public, there was a limited discussion on providing greater access to Nomination Files on the World Heritage website at the Sixth Extraordinary Session of the World Heritage Committee (UNESCO, 2003).
6. On 16 October 2006, the World Heritage Centre sent a Circular Letter to States Parties proposing the publication on the Centre's website of the Nomination Files of properties inscribed from 1998 onwards.
7. On 14 December 2006, following comments and suggestions received from a few States Parties, the Secretariat suggested that this matter be submitted for consideration to the World Heritage Committee.

### **B. Clarification of what is being proposed.**

8. The proposal is as follows:
  - a) Only the Nomination Files of **inscribed properties** would be made available electronically.
  - b) The electronic files would contain only the official nomination. They would not include supporting documents, such as private correspondence, copy written videos, etc. unless authorized by the State Party. Each dossier would be packaged in a single

electronic file with a copyright watermark on each page to prevent publication and discourage redistribution.

- c) To alleviate concerns that the dossiers could be incomplete, each file would include an advisory note and disclaimer at the front noting that it constitutes the nomination text but that those needing a complete dossier should check all physical records at the UNESCO World Heritage Centre, ICOMOS, and IUCN. An index sheet describing additional supporting information such as maps, brochures, etc, available in the libraries of the World Heritage Centre, ICOMOS and IUCN has been prepared and would also be included at the front.

### **C. The rationale in favour of providing online access to Inscribed Property Nomination Files on the World Heritage Centre's website.**

9. Providing easy electronic access to the Inscribed Property Nomination Files comes down to the essence of the *Convention* - it bears directly (as outlined in the Budapest Declaration of 2002) on:

- a) the **Credibility** of the List,

If the reasons why properties are proposed for inscription are hidden, the credibility of the List as a whole is put into question. This is a fundamental issue of transparency, at the heart of both the *Convention*, the founding principles of UNESCO (see point C.2.a), and of the United Nations (see point C.2.b). Under "Freedom of Information" guidelines and policies of many member states, the UN system (see point C.2.c), and UNESCO itself (see point C.2.d), the Nomination dossiers are widely considered to be public information (they are already publicly available in physical form) and must be disclosed upon request. The Convention should have nothing to hide - on the contrary, access would be beneficial and add to its credibility by allowing everyone to understand the details of an inscription.

- b) the effective **Conservation** of the properties

The history of why a property was inscribed and the specific features and characteristics deemed to be of outstanding universal value can be valuable tools in conservation planning. For Site Managers, regional and national officials, and NGOs, too often, as the Periodic Reporting process has revealed, the nomination details and management plans are no longer accessible. Even in cases where the World Heritage Centre, ICOMOS, or IUCN have limited or sparse files about the original nomination, it is a valuable aid to those in the field planning conservation measures to understand as much of the Committee's reasons for inscription as possible.

- c) support for **Capacity-building**

The "Global Strategy" and capacity building measures have put an important focus on nomination assistance, especially for underrepresented regions and properties. Sadly, those who have not had experience of the nomination process or easy access to examples of successful recent nominations are at a great disadvantage. Unfortunately, it is largely those State Parties with few or no properties that are the ones least able to afford to travel to Paris or Gland to view the Nomination Dossiers in person. This comes down to a fundamental question of fairness — digital access to the dossiers would enable greater participation in the nomination process by all, simplify comparative studies for States Parties, and in and of itself provide at no cost a great benefit in terms of capacity-building.

d) the public awareness, involvement, and support of the *Convention* through **Communication**

i). Online access to the inscribed property Nomination dossiers would substantively raise awareness on the protection of World Heritage Properties. The Operational Guidelines state:

(par. 217) "States Parties are encouraged to raise awareness of the need to preserve World Heritage. In particular, they should ensure that World Heritage status is adequately marked and promoted on-site"

and (par. 218) "The Secretariat provides assistance to States Parties in developing activities aimed at raising public awareness of the Convention and informing the public of the dangers threatening World Heritage...").

ii). The Secretariat is additionally tasked (par. 126) to "provide: [...] (b) examples of successful nominations, of management and legislative provisions."

iii). Online access would fulfil these communication needs and relieve the Secretariat's time for more pressing needs.

10. Furthermore, providing access to the Inscribed Property Nomination Dossiers is in line with the doctrine of UNESCO, as the Organization makes the vast majority of its working documents publicly available. The practice of transparency and openness to public scrutiny bolsters UNESCO's credibility in terms of professionalism and good governance.

a) UNESCO's founding principles state: "To develop and to increase the means of communication between ... peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives ... to secure the unanimous, lasting and sincere support of the peoples of the world... in a spirit of mutual assistance and concern."

b) UN Resolution 59(1) as adopted on 14 December 1946 by the UN General Assembly in its first session, states: "Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the UN is consecrated."

c) As noted in the 2006 Joint Declaration "International Mechanisms for Promoting Freedom of Expression" by the UN Special Rapporteur on Freedom of Opinion and Expression and others: "Openness of National and International Public Bodies: Public bodies, whether national or international, hold information not for themselves but on behalf of the public and they should, subject only to limited exceptions, provide access to that information. International public bodies and inter-governmental organisations should adopt binding policies recognising the public's right to access the information they hold. Such policies should provide for the proactive disclosure of key information, as well as the right to receive information upon request."

d) Finally, but not least, is the following statement by the UNESCO Assistant Director-General for Communication and Information in "Freedom of Information: A Comparative Legal Study", published by UNESCO 2003: "The free flow of information and ideas lies at the heart of the very notion of democracy and is crucial to effective respect for human rights. ... Central to the guarantee in practice of a free flow of information and ideas is the principle that public bodies hold information not for themselves but on behalf of the public. These bodies hold a vast wealth of information and, if this is held in secret, the right to freedom of expression, guaranteed under international law as well as most constitutions, is seriously undermined. ... A fundamental value underpinning the right to know is the principle of maximum disclosure, which establishes a presumption that all information held by public bodies should be subject to disclosure unless there is an overriding public interest justification for non-disclosure."

#### **D. Concerns voiced about placing Nomination dossiers online.**

11. Some States Parties expressed concern that the nominations that would be published are not accurate in terms of the truthfulness and completeness of the documentation contained. What is proposed to be made available has been checked by the Secretariat in order to be as accurate as possible. In any case, as noted above, this could be

addressed with a disclaimer. The Retrospective Inventory has been an important tool in finding problems and discrepancies and is actively correcting or editing incorrect or missing information as it is found. As an example, providing online access to property coordinates in tools such as Google Earth has already proven very beneficial. Errors in old data were quickly spotted by the World Heritage community and today all property coordinates have been checked and corrected.

12. A few States Parties published their nomination files, raising a question of copyright. Placing just the written part of the dossier on the World Heritage Centre's website would fall under the 'fair use' clause so this is not an issue. And as noted, the files would be additionally watermarked with a tag along the lines of 'Copywritten material – publication and redistribution forbidden' to discourage misuse.
13. Some States Parties have interpreted par. 283 of the new *Operational Guidelines* ("Nominations of those properties inscribed on the World Heritage List by the Committee will be made available for consultation. States Parties are urged to place a copy of the nomination on their own web addresses and inform the Secretariat of this action. States Parties preparing nominations may wish to use such information as guides for identifying and elaborating nomination of properties within their own territories") to mean the decision to publish nomination files is theirs alone. To date, no State Party has in fact notified the Secretariat that it has self-published its nomination(s). This guideline should be clarified with a Decision at this time of what should be published by the Secretariat. It is important that all properties be treated the same – allowing some properties to 'opt out' of online access would lead to management challenges but more importantly questions of transparency.
14. Some questioned if online access might lead to the closure of the archives at the Advisory Bodies. The physical files at the Advisory Bodies are a valuable resource and archive both for their own constituency and the broader world heritage community and the proposed online distribution in no way suggests that these physical resources be closed or disbanded.

## **II. Draft Decision**

### ***Draft Decision 31 COM 11D.2***

*The World Heritage Committee,*

1. *Having examined Document **WHC-07/31.COM/11D.2,***
2. *Noting that maintaining the long established public access to the Nomination Files of the properties inscribed on the World Heritage List is fundamental to the principles of the Budapest Declaration, specifically the Credibility of the List, the effective Conservation of the Properties, the support for Capacity-building, and public-awareness and support of the Convention through Communication and also to UNESCO's founding principles,*
3. *Decides to approve the proposal to make the Nomination Files of the properties inscribed on the World Heritage List available electronically on the World Heritage Centre's Website, starting with those from 1998 forward, and to make earlier files available as the retrospective inventory progresses;*
4. *Requests the World Heritage Centre to ensure that these files have both a disclaimer and are appropriately watermarked in order to discourage misuse.*