



Online Survey on the IAC-led Review Documents

Final Report

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CONTEXT

The Action Plan for the MoW comprehensive review was adopted by the 205th session of Executive Board, paving way for the start of the review process. Accordingly, Action Step 1 of the Action Plan: “*Further consultation of Member States*” was launched in November 2018. It consisted of:

- An online questionnaire.
- The questionnaire had three key questions, which are listed in Section 2 of this report.
- The survey was based on the following IAC-led review documents:
 - Draft revised *General Guidelines*.
 - Draft revised *Statutes of IAC*.
 - Draft *Code of Ethics* for MoW.

The aim of the survey was to gauge Member States’ views on the above-referenced IAC-led review documents.

KEY SURVEY QUESTIONS

The following constituted the three categories of survey questions:

- Do you agree with the revisions to be introduced into the *General Guidelines to Safeguard Documentary Heritage*? Yes, entirely [] No [] Yes, with updates []
- Do you agree with the amendments to be introduced into the Statutes of the IAC? Yes, entirely [] No [] Yes, with updates []
- Do you agree that the draft Code of Ethics, as proposed, should be maintained? Yes, entirely [] No [] Yes, with updates []

RESPONSES

Twenty-seven Member States, out of a possible 193, responded as follows:

Number of Responses	UNESCO Geographical Region
0	Africa
1	Arab States
8	Asia and the Pacific
17	Europe and North America
1	Latin America and the Caribbean
27	

RESULTS OF THE SURVEY

Do you agree with the revisions to be introduced into the *General Guidelines to Safeguard Documentary Heritage*?

Absolute number of countries	Response type	Percentage
11	Yes, entirely	5%
12	Yes, with updates	6%
4	No	3%
166	Did not respond	86%

Do you agree with the amendments to be introduced into the Statutes of the IAC?

Absolute number of countries	Response type	Percentage
14	Yes, entirely	7%
9	Yes, with updates	5%
4	No	2%
166	Did not respond	86%

Do you agree that the draft Code of Ethics, as proposed, should be maintained?

Absolute number of countries	Response type	Percentage
17	Yes, entirely	9%
9	Yes, with updates	5%
1	No	0%
166	Did not respond	86%

Among those who answered ‘Yes, with updates’ and ‘No’, there are different views on five major issues, namely: (i) the nature of the MoW Programme; (ii) the legal basis of the MoW Programme; (iii) the International Advisory Committee (IAC); (iv) governance models for the MoW Programme; and (v) the MoW International Register. The following are the key findings:

1. The nature of the MoW Programme

Possible consensus	– Revised <i>General Guidelines</i> align with 2015 Recommendation	
Divergent views	– ‘Voluntary, non-governmental, expert-driven’, ‘inter-governmental’, or a hybrid of the two?	– 3 countries for, with 4 against (The 7 countries expressing such positions include those in the Arab States; Asia & Pacific; Europe & North America).

2. The Legal basis of the MoW Programme

Possible consensus	<ul style="list-style-type: none"> - Draft Code of Ethics cannot apply to UNESCO Secretariat staff. 	
Divergent views	<ul style="list-style-type: none"> - There is need to elaborate a basic legal document, either for MoW as a whole or for the nomination process for the MoW International Register. But there are differing points of emphasis, including: <ul style="list-style-type: none"> o Guaranteeing transparency in the [nomination] process, especially for questioned nominations. o There is no need for a complete review of the legal basis of MoW Programme, but only a shorter legal document for the nomination process. o The MoW International Register needs to be considered as part of a larger “basic legal document” that goes beyond “the draft revised Statutes of the IAC.” - The desirability of an international convention is raised, but with respondents emphasizing different elements. One equates an international convention with the possibility of maintaining tranquility for the programme, while the other regards it only as a possible viable model for effective governance. - The ‘Code of Ethics’ should be renamed as <i>Code of Conduct</i>, so as to “make it easier to raise objections and strengthen the penalties for violations of the Code.” 	<ul style="list-style-type: none"> - 4 countries (in Asia & the Pacific as well as in Europe & North America) mention this explicitly, while others are silent on the issue. - Only 2 countries (1 in Asia & the Pacific & 1 in Arab States) call for an international convention. - 1 country in Asia & the Pacific.

3. The International Advisory Committee (IAC)

Possible consensus		
Divergent views	<ul style="list-style-type: none"> - Views include: <ul style="list-style-type: none"> o Questioning the composition of the IAC as lacking clarity in the revised General Guidelines; o There is need for Member States to select IAC members; o The IAC Bureau is seen as geographically unrepresentative, with only five members, instead of six. o The independence of the IAC should be strengthened - The function of the IAC to revise <i>General Guidelines</i> should be limited and subject to Member States' approval through the Executive Board. 	<ul style="list-style-type: none"> - 5 countries (Asia & Pacific; Europe & North America). - 3 countries (Asia & Pacific; Europe & North America)

4. Governance models for the MoW Programme

Possible consensus		
<p>Divergent views</p>	<p>On this issue, views include:</p> <ul style="list-style-type: none"> – Elaborating a two-tier governance model: inter-governmental committee as subsidiary body of General Conference to provide oversight for expert advisory body (e.g. IAC could be re-established as such an expert advisory body). – The possibility of transforming the existing IAC into an inter-governmental committee, with Member States electing experts. – There is no need for such an inter-governmental committee; instead, the “independent role and authority” of the existing IAC should be strengthened. – MoW ‘regional committees’ seem to have no ‘legal backing’. This may pose challenges for UNESCO, including with respect to funding for such committees. 	<ul style="list-style-type: none"> – 1 country (Asia & Pacific) – 1 country (Asia & Pacific) – 2 countries (Europe & North America) – 2 countries (Arab States; Europe & North America)

5. The MoW International Register

<p>Possible consensus</p>	<p>Focus on safeguarding documents, including by digitization; Greater transparency for nominations, including media coverage, web availability of documents, etc</p>	
<p>Divergent views</p>	<ul style="list-style-type: none"> - There is a call for strengthening and empowering the MoW Secretariat to pre-examine nominations (instead of the IAC's Register Sub-Committee), to sift out nominations that go against the UNESCO mandate of promoting "peace in the minds of men and women." - There is also a call for Member States' involvement in the Register, but views vary, as follows: <ul style="list-style-type: none"> o Member States should play a role at all levels of "submission, evaluation and inscription of nominations". o Member States should play a role, including by giving priority to nominations submitted through National Commissions for UNESCO/national MoW committees. o Member States should play a role, but only minimally through national MoW committees/National Commissions for UNESCO, as suggested in the revised <i>General Guidelines</i>. o A "veto from a Member State because it disputes the history [of] the document" could potentially undermine the IAC's role as an independent and authoritative arbiter of the criteria of the Register. - Proposed 'questioned nominations' procedure is variously interpreted as follows: dialogue has a higher probability of failure; the MoW Secretariat should exclude any nominations that go against UNESCO's mandate; nominations challenged by Permanent Delegations/National Commissions should be sent to the file of contested nominations and remain available on an extranet set up for the purpose; and the dispute resolution mechanism proposed by the IAC is "beneficial and transparent". <p>The criteria for inscription in the revised <i>General Guidelines</i> are questioned (e.g. 'age qualification' that excludes documents of contemporary history; the political connotations of defining 'historical</p>	<ul style="list-style-type: none"> - 1 country (Asia & Pacific). - 4 countries (Asia & Pacific; Europe & North America). - 6 countries (Asia & Pacific; Arab States; Europe & North America). - 3 countries (Asia & Pacific; Europe & North America)

	significance'; clarification as to why inscriptions should be "finite, with clear beginning and end dates;" etc.).	
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Appendix: Raw responses on the five key issues

Issue 1: The nature of the MoW Programme

- **Respondent 1:** [2.4.1 (p. 10): The text reads: “MoW is an expert-led international non-governmental programme.” This should be changed into: “an international expert-driven UNESCO programme.”]
- **Respondent 2:** [... we support the fact that the Programme stays an expert-led international non-governmental Programme. We think that moving the Programme towards an intergovernmental Programme or a Convention will not hinder its politicization, on the contrary.]
- **Respondent 3:** [In our view, the language of the 2002 General Guidelines (paragraph 5.8.4) reflects accurately the voluntary character of national committees’ commitments to regional committees (where such regional structures exist or when established in the future). In the present draft revised General Guidelines this voluntary character could be emphasised more strongly.]
- **Respondent 4:** [... is against the establishment of an intergovernmental MoW committee.]
- **Respondent 5:** [Ad 2.4.1) We recommend removing the adjective “non-governmental” (program) given that the Memory of the World programme has been legally established by an international legal instrument, this being the Recommendation concerning the Preservation of, and Access to, Documentary Heritage Including in Digital Form. Were MoW a non-governmental programme stricto sensu, there would be no reason for the UNESCO bodies to be involved, or to approve it.]
- **Respondent 6:** [UNESCO is an inter-governmental organization. The 2015 Recommendation encourages the Member States to participate in and provide support to the preservation of and access to documentary heritage in the aspects of policy making, lawmaking, standard setting, institution setting and international exchange, which demonstrates that the preservation of and access to documentary heritage should be led and carried out by the government of the Member States. However, the draft revised General Guidelines 2.4.1 poses that “MoW is an expert-led international non-governmental programme”, which disaccords with the vast responsibility of government leadership reflected in the 2015 Recommendation.]
- **Respondent 7:** [An intergovernmental committee should be established as a supreme body of the Programme. The committee can be established based upon a Convention or as a subsidiary body of the General Conference. Otherwise, the Executive Board can substitute the function of the committee if the General Conference decides so. (cf. UNESCO Constitution Article 6(b): the Executive Board, acting under the authority of the General Conference, shall be responsible for the execution of the programme adopted by the Conference.). The current International Advisory Committee (IAC) should be reestablished as an expert advisory body to the intergovernmental committee.]

Issue 2: The legal basis of the MoW Programme

- **Respondent 1:** [It is necessary not to make a new and complete review of the legal basis but to develop a shorter legal document only for the nomination process.]
- **Respondent 2:** [... the 'basic legal document' should provide an effective framework for Member States to engage in all substantial aspects and phases of the Programme, including its objectives, nomination, evaluation and inscription of dossiers, criteria for inscription, as well as handling of dialogues regarding contested nominations.]
- **Respondent 3:** [We request the preparation of a new and short legal document on the nomination process.]
- **Respondent 4:** [This new document concerning only the Registry and the proposal process for inclusion in the Register should include forecasts promoting greater transparency in the proposal process for inscription in general, and also contain a solution for managing proposals challenged/ sensitive.]
- **Respondent 5:** [An intergovernmental committee should be established as a supreme body of the Programme. The committee can be established based upon a Convention or as a subsidiary body of the General Conference.]
- **Respondent 6:** [The need for a program agreement to be signed and binding by Member States. This Convention will grant Member States more tranquility and confidence in the work of the Program.]
- **Respondent 7:** [It would be desirable to replace the Code of Ethics with a Code of Conduct as it will make it easier to raise objections and strengthen the penalties for violations of the Code.]

Issue 3: The International Advisory Committee (IAC)

- **Respondent 1:** [We suggest the selection mechanism of members of IAC, its subcommittees and other subsidiary bodies along with the subcommittees members' term of office being further clarified in the draft revised General Guidelines and IAC Statutes, so as to make the procedure open and transparent and to encourage the participation and supervision of member states. All member states should be invited to propose candidates for the members of the above mentioned committees. (work assigned to the National Commissions for UNESCO or national MoW Committees).]
- **Respondent 2:** [International Advisory Committee: the text describing the status of members ("in their personal capacity") and the criteria of regional and professional diversity are fine; but we should add that the selection process of IAC members and members of Sub-Committees should be transparent.]

- **Respondent 3:** [Greater transparency must be required for the selection process of the experts not only for the IAC but also for the IAC sub-committees, where the role and influence of the National Commissions should be emphasized by recommending and nominating their experts.]
- **Respondent 4:** [... no definite description of the selection process for IAC members is mentioned but “they are appointed by the Director-General”. We suggest to develop a specific procedure for IAC member selection and clarified in General Guidelines 4.2 “International Advisory Committee” or Appendix 8 “Statutes of the MoW International Advisory Committee”, so as to make the IAC member selection mechanism open and transparent and facilitate wider participation and active supervision of the Member States..]
- **Respondent 5:** [... it is the responsibility of the IAC to determine whether a nomination fits the criteria and this should be the only relevant information available to the Director-General. Additionally, a veto from a Member State because it disputes the history surrounding the document would undermine the IAC’s role as an independent and authoritative arbiter of the criteria and would threaten the neutrality of the register. The IAC should expect to explain how any item supports UNESCO’s mission.]
- **Respondent 6:** [Article 6.1 – in order to strengthen and clarify the reference in the Statutes to the Memory of the World General Guidelines (mentioned once: in Article 2 f)), a relevant addition in Article 6.1 could be appropriate. It could clarify that the IAC shall also adopt and submit to the Director-General for approval the Memory of the World General Guidelines, which shall be subsequently endorsed (a question to be considered: in their entirety or their parts regarding nominations to the International MoW Register?) by the Executive Board.]
- **Respondent 7:** [The draft revised General Guidelines 4.2.1 proposed that “(IAC) is also responsible for revising and updating these General Guidelines when necessary”, which empowers the IAC the right to decide the future direction of MoW. We suggest it could be revised into “When necessary, with the approval of the UNESCO Executive Board and the consent of the Member States, the IAC could revise and update the General Guidelines in consultation with the Member States.”]
- **Respondent 8:** [In the current framework of the Programme, its substantial elements are specified by the General Guidelines, which were adopted and have been revised solely by the International Advisory Committee (IAC) without approval of Member States. As a consequence, Member States have no substantial roles in the operation of the Programme. Instead, the IAC, as well as Director-General, has borne heavy responsibilities, far beyond the normal responsibility of a ‘category V advisory committee’, without having a clear legal mandate.]

Issue 4: Governance models for the MoW Programme

- **Respondent 1:** [... An intergovernmental committee should be established as a supreme body of the Programme. The committee can be established based upon a Convention or

as a subsidiary body of the General Conference. Otherwise, the Executive Board can substitute the function of the committee if the General Conference decides so. (cf. UNESCO Constitution Article 6(b): the Executive Board, acting under the authority of the General Conference, shall be responsible for the execution of the programme adopted by the Conference.). The current International Advisory Committee (IAC) should be reestablished as an expert advisory body to the intergovernmental committee. The body is expected to function as an evaluation body of nominated files. Members of the body should be selected and renewed by the intergovernmental committee based on fair and transparent criteria.]

- **Respondent 2:** [... proposes complete revision of the document, particularly in chapters “Structure of the Programme”, “International MoW Register” and appendix 8 “Statutes of the MoW IAC”. The main suggestion is the IAC transformation into an intergovernmental body, which members would be elected by the participating states.]
- **Respondent 3:** [... is against the establishment of an inter-governmental MoW committee.]
- **Respondent 4:** [... believes the instruments are already in place to provide a rigorous review of nominations by the IAC to the UNESCO International Memory of the World Register, and that its independent role and authority should be strengthened ... The current wording on newly introduced Article 8 (of the IAC Statutes) concerning the role of the Director-General could damage the independent authority of the IAC and move away from the founding principles, rules and intentions of the UNESCO Memory of the World Programme.]
- **Respondent 5:** [The existence of regional committees and their role should only be formulated as a recommended option ... For the reasons we have set out above, we feel that references to MoW regional committees should be removed, also because their status has not been regulated in a relevant legal manner.]
- **Respondent 6:** [When there is a national and regional committee, what is the role of the Regional Committee towards the National Committee? Is it supervision or follow-up or are they independent entities as you mentioned in the guidelines p. 18?]

Issue 5: The MoW International Register

- **Respondent 1:** [... Accordingly, we suggest to strengthen the responsibility of the Secretariat in the preliminary examination of the nominations in the draft revised General Guidelines 6.5. In the session of preliminary examination (6.5.2), it should be emphasized that the MoW Secretariat should examine the legal, technical and other pertinent aspects of the nomination and ensure that the nomination is in accordant with the purpose of the UNESCO of “building peace in the minds of men and women”. The nominations which are against the mandate of UNESCO should be excluded.]
- **Respondent 2:** [*Nomination:* In order to keep both quality and quantity of submission appropriate, engagement of Member states in submission of nominations to the Secretariat should be ensured. Nominations should be made available online for review by Member States. If a written objection is made by Member State(s), the concerned nomination will

not proceed to evaluation and be subject to a dialogue between the Member States concerned. *Evaluation*: Evaluations should be made by the experts of the advisory body based on a transparent guidance defined by the intergovernmental committee. Member States can file an objection during the evaluation period as well, since an objection may occur after the nomination period. (It does not seem to be realistic to check all the items thoroughly during the nomination period.). *Inscription*: A decision on inscription is made by the intergovernmental committee. The above-mentioned principles and procedures should also be applied to regional registers such as MOWCAP, MOWLAC, and ARCMOW.]

- **Respondent 3:** [... The vital role of an empowered, professional Register Sub-Committee and International Advisory Committee in the inscription process. This should be enabled to act with transparency at all times and as independent, expert arbiters of the suitability of nominations for inscription. Each Committee must be empowered to reject applications which they feel do not meet the criteria of the Programm ... It is the role of the IAC to assess a nomination fully during the 'specified window' and there should not be an opportunity for additional material that could undermine the process, authority and impartiality of the IAC's decision.]
- **Respondent 4:** [.. highly recommended to involve the National MoW Committee ... or ... National Commission for UNESCO (in the nomination process).]
- **Respondent 5:** [Ad 7.1.4) As far as the regional MoW registers are concerned, referred to here and in other parts of the document, the same comments apply here as above. Ad 7.1.8) An endorsement from the MoW National Commissions or (if these do not exist) the national committees for UNESCO, should be mandatory, also in view of the fact that the MoW Programme is international. If the opinion of the MoW National Commissions or the national committees for UNESCO is simply taken into account, it only degrades the position of these bodies, which is surprising given that, according to the Guidelines, they are to play a crucial role in implementing the MoW Programme at a national level. Ad Appendix 3) – The nomination form should contain a section for the endorsement of the nomination by the MoW National Commission, or the national committee for UNESCO (which should also be added to the checklist).]
- **Respondent 6:** [We suggest it to be revised as “All nominations, including joint nominations, can only be submitted by the owners or custodians of documents following the prescribed formats. Priority shall be given to nominations, including joint nominations, submitted through the National Commissions for UNESCO or national MoW Committees.]
- **Respondent 7:** [... believes the instruments are already in place to provide a rigorous review of nominations by the IAC to the UNESCO International Memory of the World Register, and that its independent role and authority should be strengthened ... The current wording on newly introduced Article 8 (of the IAC Statutes) concerning the role of the Director-General could damage the independent authority of the IAC and move away from the founding principles, rules and intentions of the UNESCO Memory of the World Programme.]
- **Respondent 8:** [With regard to the Paragraph 6 of Annex 4 (Questioned Nominations), however, given the higher possibility of its ineffectiveness, we suggest deletion of this Paragraph. It would be quite difficult to reach an agreement on the nominations in question

through dialogue among concerned parties who have different interests within a maximum of four years after submission of the nomination; practically only two to three years can be used for dialogue considering other steps of assessment. The Paragraph 6 implies disutility and limits of the process because when the dialogues are not successful, such nominations are returned to the IAC for final recommendation to the Director General. Thus, the two new options, "Provisional Inscription" and "Refer and Resubmit", which will be added to the assessment results according to the revised General Guidelines can be considered as an alternative way. If necessary, the items stated in the Paragraph 6 can be discussed within the working group for the possible reflection and application to the revised General Guidelines.]

- **Respondent 9:** [The admissibility/compliance of nominations with the provisions must be performed by experts, prior to their presentation on the digital platform/extranet that would only be accessible to the Permanent Delegations to UNESCO and national UNESCO commissions. These institutions should be allowed to express their objections to the nominations during a limited period of time. The expressed objections must be visible/accessible on the extranet to all the permanent delegations and national commissions. There needs to be a period of time established to respond to the objections and for the exchange of opinions between/among the parties that disagree. If the disagreement persists, the nomination is sent to the file of contested nominations and remains available on the extranet. Non-contested/smooth nominations shall be evaluated by experts. Intermediary and final evaluations shall be available on extranet. The recommended nominations shall be adopted by the Director General.]
- **Respondent 10:** [The necessity of activating media coverage when announcing the final results of the nomination files as well as the program award, as is applicable by the World Heritage Committee, and the representative list of intangible heritage. Addressing Member States officially with the nominations submitted and following up on the Organization's website, to achieve the principle of transparency and to avoid objections that may occur in such cases.]
- **Respondent 11:** [... feels that the dispute resolution mechanism proposed (page 69 of the electronic version) – questioned nominations is beneficial and transparent and provides stakeholders with sufficient space for constructive dialogue.]
- **Respondent 12:** [The criteria for new nominations should include an “age qualification” that will exclude the documents of the contemporary history. For instance, it could be 1945 – a year of the UNESCO foundation. And finally we consider there is no need for any number limitations for the new nominations from one country.]
- **Respondent 13:** [... the IAC-revised General Guidelines state that the Programme does not enter disputes concerning the interpretation of historical events, nor does it take sides. They also state that UNESCO does not necessarily endorse the content of the nominations themselves and that UNESCO’s acceptance of a nomination does not in any way imply automatic agreement with its content (paragraph 2.3.2). These statements, however, may contradict with an evaluation of “historical significance” of documents, which is a primary criteria for inscription (paragraph 6.3.6.2). This is because when UNESCO evaluates “historical significance” of documents, and inscribes them to the MoW register, that inevitably affects an interpretation of their recorded historical events. In particular, if UNESCO inscribes certain documents which include historical events with contested

interpretations, that would put UNESCO in a position to be subject to criticism of taking the sides of a specific historical interpretation. Not only the MoW Programme itself, but also the entire UNESCO, could be involved into a political tussle. Unless a new mechanism of dealing with this contradiction is well established, it would not be able to solve the existing challenges.

- **Respondent 14:** [6.4.6 We would very much like a clear explanation on why proposed inscriptions should absolutely be “finite, with clear beginning and end dates”.]