STUDY ON INTERNATIONAL COLLABORATION ON OPEN EDUCATIONAL RESOURCES (OER)

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EXECUTIVE SUMMARY

- 1. This document is a follow-up to Decision 24 of the 199th session of UNESCO's Executive Board (May 2016) requesting the Director General to make proposals for the next steps on international collaboration on open educational resources (OER).
- 2. Open Educational Resources are any educational materials, which are available on an open license or in the public domain that *may be freely accessed, copied, re-used, adapted and shared.*
- The document begins by setting the context, in particular by recalling the new focus on digital transformation and all levels of education, including higher education, in the UN Sustainable Development Goals (SDGs) that provide the framework for UNESCO activities.
- 4. It recalls the different stages and forms of UNESCO's international collaboration on OER from 2002 to the present and comments on their impact.
- 5. It makes clear how closely OER align with several key aspirations in UNESCO's Constitution and highlights in particular the articulation of UNESCO's Open Access Policy in 2013, approved by the Executive Board at its 191st session, which makes UNESCO's publications freely available to the public.
- It then examines the various instruments by which UNESCO promotes international collaboration, including Conventions and Recommendations, through the lenses of their legal, technical, administrative and financial requirements.
- It notes that these instruments can encourage governments to harness the energy of the OER movement to their goals for economic and social development.
- 8. It concludes that a Recommendation is best suited to further the development and expansion of OER in the interests of Member States achieving SDG 4, noting that a Recommendation is more flexible and can be implemented more rapidly.

INTRODUCTION

The 199th session of UNESCO's Executive Board (May 2016) by decision 24: **Next** steps regarding international collaboration on open educational resources (OER) invited the Director-General:

"to conduct a comprehensive study using extrabudgetary resources to consider proposals for next steps regarding international collaboration on open educational resources (OER), including technical and legal aspects as well as general standards, and taking into account administrative and financial issues, to be submitted for consideration at its 201st session".

The present study is a follow-up to this decision through an analysis of the overall benefits and challenges to the establishment of different forms of international collaboration on OERs through the lenses of their legal, technical, administrative and financial implications.¹

The term *Open Educational Resources (OER)* was coined at a UNESCO Forum on Open Courseware for Higher Education for Developing Countries in 2002 to describe a new global phenomenon of openly sharing educational resources.²

For the purpose of this document, Open Educational Resources are defined as:

Open educational resources (OER) are any educational resource that may be freely accessed, copied, re-used, adapted and shared and which are available under an open license or are in the public domain for use without paying royalties/license fees.

OER are consistent with UNESCO's constitutional commitment to 'the free exchange of ideas and knowledge'³. In particular, having learning materials freely available for adaptation and re-purposing can expand access to learning of better quality at lower cost.

¹ Terms of Reference for Contract o 4500316570

² UNESCO Forum on OCW, Final Report http://unesdoc.unesco.org/images/0012/001285/128515e.pdf

³ UNESCO's Constitution in Basic Texts, 2016 http://unesdoc.unesco.org/images/0024/002439/243996e.pdf

Since their inception at UNESCO, OER have become a global movement, and the world is looking to UNESCO to lead this educational innovation for achieving Sustainable Development Goal (SDG) 4. ⁴

CONTEXT

There are three significant elements that are particularly relevant and timely in the current context for international collaboration on Open Educational Resources.

First, the United Nations has adopted a Sustainable Development Agenda with 17 goals (SDGs). Goal 4 calls on the international community to "Ensure inclusive and equitable quality education and promote lifelong opportunities for all". UNESCO is responsible for pursuing this goal based on the Incheon Declaration and Framework of Action (2015).⁵

Unlike the Millennium Development Goals (MDGs) which were limited to basic education, SDG 4 introduces higher education as one of the targets of the 2030 Education Agenda: "By 2030, ensure equal access for all to affordable and quality technical, vocational and tertiary education including university education." (Target 4.3) The subsequent text (item 43) explicitly refers to OER as a tool for promoting access, quality and relevance in higher education noting that 'a well established properly regulated tertiary education system, supported by technology, *open educational resources* and distance education can increase access, equity, quality and relevance.' UNESCO, having promoted OER mainly through higher education and teacher training until 2015, now has a broader mandate based on SDG 4 for OER to play a more prominent role at all levels of education from K-12, technical and vocational education and tertiary education. This broader approach makes it essential for policy-makers to mainstream OER in their education systems.

Second, the Government of Slovenia and UNESCO will jointly organize a 2nd World OER Congress in Ljubljana, in September 2017. This is part of Slovenia's national policy on the one hand and is in conformity with UNESCO's priorities set by SDG 4, on the other. In announcing the 2nd OER Congress at the UN, the President of Slovenia noted that the globalization of the digital transformation is occurring so swiftly that it will have to be actively addressed by the United Nations and, in order to cope with social and technological challenges, it is necessary to start with the education of youth.⁶ For

(http://www.uis.unesco.org/Education/Documents/incheon-framework-for-action-en.pdf)

⁴ UN Global Development Goals (http://www.globalgoals.org/global-goals/quality-education/

⁵ Incheon Declaration and Framework for Action)

⁶ UN News Centre (http://www.un.org/apps/news/story.asp?NewsID=54982#.WCyFOXeZNpn)

UNESCO, the Congress is a good opportunity to mainstream OER at all levels of education as an effective tool for SDG 4.

Third, UNESCO itself has adopted an Open Access Policy⁷ in 2013:

"For UNESCO, adopting an Open Access Policy means to make thousands of its publications freely available to the public. Furthermore, Open Access is also a way to provide the public with an insight into the work of the Organization so that everyone is able to discover and share what UNESCO is doing."

These three elements are a good illustration of an increased global understanding of the need to pursue international collaboration on OER even further.

BENEFITS AND CHALLENGES TO THE ESTABLISHMENT OF DIFFERENT FORMS OF INTERNATIONAL COLLABORATION ON OER

1. Programme activities

Since 2002, UNESCO has been active in international collaboration on OER through conferences, expert meetings, research, studies, guides, capacity-building workshops, publications and guidelines. Several UNESCO OER Chairs have been established. UNESCO has taken a leadership role in making countries aware of the potential of OER through an online OER Community which linked developing and developed countries to share information and experiences across the wide spectrum of OER development and support. The 2009 World Conference on Higher Education Communiqué emphasized that the sharing of OER among countries can play a prominent role in widening access to quality education. A resolution for the further promotion of OER was presented at the 35th session of the General Conference of UNESCO. A global OER community grew steadily and gained momentum over the first decade of this century. However, there was a disconnect between work at grassroots level and policy formulation.

In 2010, UNESCO, in collaboration with the Commonwealth of Learning (COL), launched an initiative: 'Taking OER beyond the OER Community: Policy and Capacity' with the aim of increasing the level of understanding of OER by educational decision makers so as to promote their wider use. The initiative was financed through extrabudgetary funds provided by the Government of the United States and regular programme funds from the UNESCO Division of Higher Education and COL.

To follow up on this initiative UNESCO and COL, with support from the Hewlett

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⁷ UNESCO's Open Access Policy (http://en.unesco.org/open-access/)

Foundation, launched a project *Fostering Governmental Support for OER Internationally* that led to the 1st OER Congress (UNESCO, Paris, June 2012) which adopted, by acclamation, the 2012 Paris OER Declaration. ⁸

The recommendations to governments in the 2012 Paris OER Declaration focused on using OER to widen access to education in a perspective of lifelong learning while improving both cost-efficiency and teaching quality. It encouraged the development of specific policies for the production and use of OER and noted how evolving technology creates opportunities for sharing materials that have been released under an open license. They concluded by urging governments to ensure that educational materials developed with public funds be made available under open licenses in order to maximize the impact of the investment.

Activities after the 2012 OER Congress (2012-2016)

UNESCO carried out a number of activities to implement the Paris OER Declaration after its adoption in 2012.

First, UNESCO, pursuant to its constitutional commitment to 'the free exchange of ideas and knowledge'⁹, adopted an Open Access Policy for its own publications. The UNESCO Open Access (OA) Policy, was approved by the Executive Board at its 191st session. This grants an irrevocable right of access to copy, use, distribute, transmit and make derivative works in any format within certain constraints. It applies to all UNESCO Publications published from July 31, 2013.

With this publishing model, UNESCO reinforced its commitment to encourage and protect universal access to information and knowledge, which is essential for the advancement of innovative solutions for the challenges of international development and the attainment of SDGs.

UNESCO was among the first intergovernmental organizations to have an open access policy.

This demonstrates that open educational resources are already embedded in key policy documents adopted by UNESCO. However, in order to mainstream OER at governmental and institutional level, globally, regionally and nationally, international

^{8 2012} Paris OER Declaration

⁽http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/Events/Paris%20OER%20Declaration_01.pdf)

⁹ UNESCO's Constitution in Basic Texts, 2016, (http://unesdoc.unesco.org/images/0024/002439/243996e.pdf)

collaboration needs to be stepped up through more structured and strategic approaches.

Second, UNESCO has implemented the Paris 2012 OER Declaration as part of its 4-year budget and programme 2013 - 2017 with extra-budgetary funds. In this framework, UNESCO carried out a series of activities focusing on advocacy, policy development and the use of OER in teacher training for the use of ICTs, with a link to the ICT Competency Framework for Teachers (ICT CFT). In this period, UNESCO has also developed a comprehensive OER programme which includes the 'OER Community on the World Summit on the Information Society (WSIS) Knowledge Community (KC) 10' and the network of OER Research Chairs. The UNESCO Programme and Budget adopted by its Members States for 2013-2017 articulates this commitment to OER in its Communication and Information Sector through its 'Open Solutions' initiatives which aim to support policy and capacity building for OER and the harnessing of OER for the implementation of ICT CFT as well as the training on OER-based mobile applications for youth. It is also part of the Education Sector's programme goals in the areas of ICT in Education, which aim to strengthen national capacities to develop and implement national ICT in education policies and programmes, with specific focus on national and institutional OER policy development and adoption of OER in higher education.

In addition, UNESCO's partners in this area, such as the Commonwealth of Learning, Creative Commons, OER Africa, Open Education Consortium, Knowledge 4 All Foundation, Open Society Foundations and OERu, have also focused their activities on sensitizing ministries of education, teacher training institutions and other educational institutions on the benefits of OER through policy and advocacy discussions with the involvement of key organizations. The William and Flora Hewlett Foundation has been the key donor for these activities and has supported UNESCO with significant extrabudgetary resources. Some financial support was also provided by the European Commission, Slovenia and the United States of America.

Meanwhile, the content, format and delivery mechanisms for OER have evolved to take advantage of advancing technology to diversify the range of topics covered and overcome some of the previous obstacles to delivery. For example, the African Storybook project (Welch and Glennie, 2016)¹¹ promotes the development and translation of stories in local languages and helps keep the languages culturally and linguistically alive, demonstrating the power of OER at all levels of education but also

¹⁰ The OER Community on the WSIS KC is available at: http://www.wsis-community.org/pg/groups/14358/open-educational-resources-oer/;

¹¹ Open Educational Resources: Policy, Costs and Transformation, UNESCO/COL 2016fhj (http://oasis.col.org/handle/11599/2306)

promoting multilingualism and context-specific content.¹² Similarly, there has also been a major change in delivery technology in the developing world, which is now largely through mobile devices rather than PCs. Indeed, mobile penetration has grown from 0 in 2000 to 1.4 billion in 2016. At the same time, devices such as the Commonwealth of Learning's APTUS (Classroom Without Walls) allow learners to benefit from digital resources and learning networks even in places where no internet is available. (Bean, 2016)¹³

What was the impact of these activities?

An external evaluation of UNESCO and COL's work in OER was carried out in 2015. It recognized that both organizations had succeeded in building awareness, capacity and policies to support OER, at both national and institutional levels in the countries targeted by their interventions. It also found that no one strategy for point of entry fit all cases but that the experiences in the target countries suggest the importance of building on relationships, providing consultation that spans multiple levels within ministries or institutions and nurturing local champions who can sustain the work.

This evaluation concluded that:

The ultimate goal is to generate the capacity and local ownership to make OER part of standard practice in local education delivery systems. The movement has not yet developed to that stage. In the short term, there is still an important role for external organizations to play, including providing tangible examples and models of policies, supporting policy implementation, and promoting the development of linguistically- and culturally-relevant OER content...(ORS Evaluation 2015, page 15)¹⁴

The educational literature, the examples cited earlier and the ORS Evaluation suggests that the use of OER has increased and diversified steadily since the 2012 Paris OER Declaration. The ORS Evaluation confirmed that all avenues for international work on OER are helpful, have their benefits in promoting OER and need continuous encouragement. Nevertheless, this work is not being documented in a systematic way nor does it have significant impact, especially at policy level.

http://www.col.org/sites/default/files/PCF8%20Keynote%20Speech%20by%20Mr%20Martin%20Bean.pdf

¹² Open Educational Resources: Policy, Costs and Transformation http://oasis.col.org/handle/11599/2306

¹³ Martin Bean's keynote address at PCF8

¹⁴ ORS Impact, Evaluation of the William and flora Hewlett Foundation's Investment in international Policy Advocacy for Open Educational Resources, June 2015

http://www.hewlett.org/library/evaluation-of-the-william-and-flora-hewlett-foundations-investment-in-international-policy-advocacy-for-open-educational-resources/

At the same time the adoption of SDGs, and particularly SDG 4, calls on countries to make serious moves to achieve lifelong quality learning for all. OER are a valuable tool as they allow for the sharing of knowledge effectively across regions and countries.

Technical, financial and legal implications of programme activities

International collaboration on OER at programme level, as described above, whether through congresses, surveys, studies, capacity-building workshops and publications, has proven beneficial in many ways. From a legal point of view, however, this form of international collaboration has no legal implications, remaining at the programmatic level and not engaging Member States in any way.

The activities carried out by UNESCO and described above remain at programme and expert level. There is a series of UNESCO Secretariat documents, which are called by a variety of terms: declarations, guidelines, recommendations, and directives. Being issued by expert meetings (Category IV according to UNESCO's classification), these are not always the product of thorough consultative processes involving governments and are not considered to be standard-setting instruments. The 2012 Paris Declaration is an example of such a document.

In addition, from an administrative and financial point of view, these forms of international collaboration relied on the existing UNESCO staff, often over-burdened and with additional multiple tasks, within decreasing budgets in the regular programme, supplemented by extra-budgetary funds. At regional, national and institutional level, they were carried out on a voluntary basis, depending on the interest, capacity and resources available. As noted in the ORS Evaluation, there is no systematic overview of the range or the impact of these activities.

The 2nd World OER Congress and its preparations are a good opportunity to issue a Call for Action in this direction and propose next steps for more systematic international collaboration on OER, especially as an effective tool for international solidarity in achieving the targets set by SDG 4.

2. Mechanisms for other forms of international collaboration: international agreements

To date, UNESCO's encouragement of OER development has taken the form of a number of activities described in the foregoing sections focused on meetings between stakeholders, development of projects aimed at supporting both implementation and

policy at the institutional and governmental levels involving groups of countries to the extent that budgets allow. The developments that preceded the 1st OER Congress (2002-2012) gained momentum following the Paris Declaration adopted by that Congress. They are now being reinforced through the preparations for the 2nd OER Congress (Ljubljana, September 2017) and the regional policy forums leading up to it The Paris Declaration was a significant milestone. It alerted policy makers to the benefits of OER and stimulated OER related activities worldwide. Although the Declaration may have increased the visibility of OER at governmental level, it has no implications in terms of political commitment of Member States.

It is now timely for UNESCO to encourage national policy formulation and use of OER at all levels more directly using the mechanisms at its disposal. What are these?

Article I.2 of UNESCO's Constitution includes the following:

The Organization will:

- (a) Collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image;
- (b) Give fresh impulse to popular education and to the spread of culture:

By collaborating with Members, at their request, in the development of educational activities;

By instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social;

(c) 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, and recommending to the nations concerned the necessary international conventions;

By encouraging cooperation among the nations in all branches of intellectual activity, including the international exchange of persons active in the fields of education, science and culture and the exchange of publications, objects of artistic and scientific interest

and other materials of information;

The different forms of activities listed in (b) and (c) of the UNESCO Constitution, have been described above. The conclusion was that although they have been helpful and beneficial in making OER a global movement, more official forms of collaboration are now desirable, such as international agreements (a).

International agreements

In practice (Constitution IV.4), UNESCO has three different types of international agreements to promote collaboration: Conventions, Recommendations and Declarations (known as standard-setting instruments).

International Conventions and Recommendations are the most common instruments of this type. These involve different procedures and obligations as explained below.¹⁵

Conventions are adopted by the General Conference by a two-thirds majority. Conventions are subject to ratification, acceptance or accession by States and are prepared in accordance with pre-established procedures.¹⁶

Recommendations are adopted by a simple majority and are not subject to ratification. Recommendations are voluntary and non-binding and in the nature of a statement of principles.

In formal terms *Declarations* are the strongest form of a standard-setting instrument. A classic example is the Universal Declaration of Human Rights. This type of Declaration is not relevant for this analysis and UNESCO has no Declarations in the UN sense of the word – they are at the UN level and few in number internationally.

Technical, financial and legal implications of international agreements

Conventions:

Though Conventions are more prestigious, they also have the most onerous administrative and financial implications. The ratification process implies that appropriate national bodies align national/jurisdictional legislation with the provisions of the Convention. These processes vary widely between Member States. A convention enters into force *only* after a certain number of Member States have ratified it, a process

 $^{^{15}\; \}text{Basic texts, 2016, http://unesdoc.unesco.org/images/0024/002439/243996e.pdf}$

¹⁶ Rules of Procedure concerning Recommendations to Member States and International Conventions

that can take years, not least in federal states. ¹⁷ The implementation mechanism consists of an Intergovernmental Committee, which meets at regular interval intervals (2 or 3 years or in some cases more often). ¹⁸ To convene these meetings, the Director-General must request the States Parties to the Convention officially to nominate their representative to the Intergovernmental Committee, who must provide proof of nomination when attending the meetings. Each State Party must submit an account of the implementation of the Convention in advance of the meeting for presentation and discussion, based on the Rules of Procedure adopted at the 1st official meeting of the Intergovernmental Committee.

Although the States Parties have the obligation to finance the participation of their representatives, UNESCO is often called upon to support the attendance of representatives and experts from less developed countries. These meetings also require translation and interpretations costs.

The Director-General is entrusted with assuring the Secretariat of the Intergovernmental Committee. The Director-General nominates a Secretary of the Intergovernmental Committee, which implies additional professional and support staff, usually at a higher level and with a particular focus on assuring the Secretariat to the Intergovernmental Committee. For States Parties, costs at national level include regular participation in the Committee's meetings and costs of producing national reports on the implementation of the Convention.

Recommendations

Recommendations, adopted by a simple majority, refer to all Member States. Because they do not involve ratification, they do not have a list of States Parties nor is there an Intergovernmental committee as an implementation mechanism. Member States do, however, have the obligation to inform the competent body at national level about the adoption of the recommendation. They are invited to submit reports at intervals and through mechanisms suggested by the Executive Board.

A recommendation provides a more flexible route and includes provisions for subsequent information gathering. The frequency of reporting on the follow-up to a recommendation is set by the General Conference when it adopts a recommendation. The commonest reporting period is four years but this is subject to negotiation. If the

 $^{^{17}}$ It took 11 years for a federal Member State of UNESCO to ratify the 1978 Convention on the Recognition of Qualifications related to Higher Education in Europe

¹⁸ These examples are based on the Rules of Procedure for the UNESCO six regional convention for the recognition of qualifications and the International Convention on the Recognition of Qualifications in the Mediterranean

Executive Board proposes a recommendation on OER to the General Conference, this can include a suggestion on the frequency and more flexible mechanisms for reporting.

A Recommendation has the flexibility to be rapidly adjusted to meet the constant technological evolution in OER and assist Member States to achieve best practices.

Recommendations do not entail statutory meetings thus giving UNESCO more flexibility in deciding when meetings should be held and securing extra-budgetary funds if needed.

This type of reporting would still require support from the Secretariat but with a lesser burden and lower costs by maintaining a dynamic relationship with the continuously expanding OER community. A Recommendation could support the pursuit and continuation of other forms of international collaboration described in sections above, financed by extra-budgetary funds.

However, developing and administering a standard-setting instrument of any kind will require additional funding. For UNESCO this would mean dedicating a professional staff member (at P-3 level, part-time) and support staff (G-3, part-time). For Member States, costs will vary. The existing OER Community (including UNESCO Chairs where they exist) at grassroots/institutional levels could support the governmental process and alleviate the burden of reporting by collecting, sharing and analyzing existing developments. Possibly, more innovative forms of reporting could be developed, pooling resources at international, regional, inter-regional and national levels.

Impact of the different forms of international collaboration on OER on achieving SDGs

The Global Education Monitoring Report 2016¹⁹ underlines three main imperatives for achieving SDG 4.

Firstly, it points to the urgency for new approaches, recalling that on current trends only 70% of children in low income countries will complete primary school in 2030, a goal that should have been achieved in 2015. It recalls that this requires strong *political will*, *policies*, *innovation and the resources* to back this trend by Member States.

¹⁹ Global Education Monitoring Report 2016, Education for People and the Planet, Creating Sustainable Futures for All (http://unesdoc.unesco.org/images/0024/002457/245752e.pdf)

Secondly, it flags the need for a *heightened urgency* for action with long- term commitment. Failure to do so will not only adversely affect education but will hamper progress towards all development goals.

Lastly, it reminds us that the way we think about education and its role in human well-being and global development needs to change as, more than ever, education has a responsibility to foster the type of skills, attitudes and behaviour that will lead to sustainable and inclusive growth. This means reaching out *beyond traditional boundaries and creating effective partnerships*.

Programme activities

Despite the benefits of the programme activities on OER conducted over almost two decades, this type of international collaboration does not create the political will, the urgency and the innovation indispensable for achieving SDG 4.

Therefore, it would be useful to have a more official mechanism that would mobilize UNESCO's Member States and provide a regular and systematic international overview of the extent and nature of the impact of OER on educational development. This would greatly facilitate the articulation of effective OER policies at national and institutional levels and formalize the leadership UNESCO has provided in this area over the past two decades.

Conventions

A Convention on OER would be the strongest instrument for Member States to adopt on international collaboration on OER. Taking account, however, of the time-frame required for a Convention to enter into force on the one hand, and of the urgency for Member States to engage in policies and practices for promoting OER that can contribute to the innovation required for the achievement of SDG 4, a Convention may not be the most desirable instrument.

Recommendations

A Recommendation is more flexible and could become operational more rapidly. Despite being a statement of principles ("soft law"), it would raise the profile of OER collaboration to a higher political level in all Member States of UNESCO. This would stimulate the policy making necessary to realise the potential of OER for accessing knowledge freely, providing quality content at no cost, helping to foster equitable and inclusive teaching and learning and supporting curriculum development at all levels.

A Recommendation could heighten awareness about the potential of OER for achieving SDGs and could meet the interests of many Member States. It would also provide National Commissions stronger grounds for encouraging their governments to support the attainment of SDG 4 at the national level.

CONCLUSION

This study has argued that the primary purpose of UNESCO's contribution to international collaboration on OER should be to facilitate policy and practice in mainstreaming OER at all levels of education and to have more structured information sharing through a regular reporting system. Any mechanism for this should be put in place expeditiously given the rapidity of the digital transformations underway, of which OER are an important element, and the urgency for Member States to foster activities for achieving SDG 4.

Open educational resources are a product of the digital world with enormous potential to further the goals of UNESCO in education now expressed through the SDGs. They enable countries, institutions and teachers to share quality education material widely at no cost. They challenge teachers to incorporate digital technology into their courses and programmes and enable students to access quality content in an autonomous manner. They are also an incentive for teachers, students and institutions to work together in producing original material in a collaborative manner.

It is important that governments harness the energy of the OER movement to their goals for social and economic development. UNESCO can assist in this process by issuing a Recommendation that will stimulate governments to create strategic policy frameworks to bring OER into the mainstream of their educational systems by encouraging institutions to take full advantage of this development for achieving SDGs.