General Conference
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Item **6.3** of the provisional agenda

DESIRABILITY OF A STANDARD-SETTING INSTRUMENT ON INTERNATIONAL COLLABORATION IN THE FIELD OF OPEN EDUCATIONAL RESOURCES (OER)

OUTLINE

Source: 199 EX/Decision 24, 201 EX/Decision 9.

Background: At its 199th session, the Executive Board (199 EX/Decision 24) requested 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 to it for consideration at its 201st session. At its 201st session, the Executive Board recommended that the Director-General submit to the General Conference at its 39th session the findings of this study, together with the relevant observations and decisions of the Executive Board thereon (201 EX/Decision 9).

Purpose: This document presents the above-mentioned study, including the relevant decision of the Executive Board, concerning the possibility of a recommendation, taking into account budgetary and resource implications for the Secretariat, to reinforce international collaboration in the field of OER.

Decision required: Paragraph 14.

I. BACKGROUND

1.   At its 199th session, the Executive Board (199 EX/Decision 24) requested 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 to it for consideration at its 201st session.

2.   By its 201 EX/Decision 9, the Executive Board invited the Director-General to submit the preliminary study contained in document 201 EX/9 to the General Conference, together with the relevant observations and decisions of the Executive Board, thereon and on how international collaboration on OER can continue to progress taking into account the outcomes of: (a) the OER regional consultations organized by the Commonwealth of Learning ; and (b) the second World OER Congress. It recommended on this basis that the General Conference at its 39th session consider the possibility of a recommendation, taking into account budgetary and resource implications for the Secretariat, to reinforce international collaboration in the field of OER.

3.   In preparation for the second World OER Congress, six regional consultations and a survey on OER were organized by the Commonwealth of Learning (COL) in close cooperation with UNESCO and the Government of the Republic of Slovenia, and with the generous support of the William and Flora Hewlett Foundation. These regional consultations were organized thanks to the support of the national authorities in the six host countries. Some 110 Member States and 300 stakeholders attended the regional consultations.

4.   Each of the regional consultations generated specific recommendations toward an Action Plan to mainstream OER by addressing solutions for: (1) the capacity of users to access, re-use and share OER; (2) issues related to language and culture; (3) ensuring inclusive and equitable access to quality OER; (4) changing business models; (5) the development of supportive policy environments. These inputs have been used as the basis for the second World OER Congress Draft Recommendation and Outcome Document.

5.   In addition to the six regional consultations, an international survey on OER for governments and stakeholders has been prepared. Some 100 Member States have completed the OER survey. In addition, further information on OER implementation has been collected from educational institutions and other institutional stakeholders.

6.   The results of these surveys and the second World OER Congress Recommendations and Outcome Document will be presented at the second World OER Congress to be held in Ljubljana, Slovenia, in September 2017, at the invitation of the Ministry of Education, Slovenia.

7.   The observations of the Executive Board during the debates at its 201st session, on this item 201 EX/9 highlighted that a standard-setting instrument in the area of OER would be an important means for facilitating the articulation of effective OER practices and policies. It was underscored that, while the UNESCO Paris OER Declaration 2012, which was produced through an extensive international consultation and adopted at the 1st World OER Congress (UNESCO Headquarters, Paris 2012), represented an internationally recognized strategy for OER, there remains a need to expand and consolidate commitments to actions, strategies and legislation. The important role of OER for supporting Sustainable Development Goal 4 "Quality Education" was also underscored throughout this debate.

II. PROPOSED WORKING METHOD

8.   Pursuant to Article 6 of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution, the General Conference is invited, after examining this study and the Executive Board's observations thereon, to decide whether the question on international collaboration on open

educational resources (OER) should be regulated internationally and, if so, whether in the form of a Recommendation as recommended by the Executive Board.

9.   Should the General Conference decide that that question should be regulated by a recommendation, it could instruct the Director-General to prepare a preliminary report setting forth the position with regard to the international collaboration on open educational resources (OER) and the scope of the recommendation, possibly accompanied by the first draft of the proposed recommendation (Article 10, paragraph 1, of the above-mentioned Rules of Procedure).

10.   In that case, the text of first draft of the recommendation could be prepared by the Director-General in the form of a preliminary report and submitted to Member States at least 14 months before the 40th session of the General Conference (Article 10, paragraph 2, of the above-mentioned Rules of Procedure).

11.   On the basis of the comments and observations transmitted by Member States, the Director-General would prepare a final report containing the draft text of the recommendation, which would be communicated to Member States at least seven months before the 40th session of the General Conference (Article 10, paragraph 3, of the above-mentioned Rules of Procedure).

12.   In addition to these consultations, the above-mentioned Rules of Procedure, under its paragraphs 4 and 5 of Article 10, state also that unless the General Conference has decided otherwise, the final report containing one or more draft texts shall be submitted to a special committee consisting of technical and legal experts appointed by Member States (meeting of category II). This committee will, in turn, submit to the Member States a draft which has its approval, with a view to its discussion at the General Conference.

13.   Considering the comprehensive consultation process foreseen with Member States under these regulations and bearing in mind the present financial constraints, the Director-General invites Member States to consider recommending to the General Conference to decide not to establish the special committee for the examination of the final report and, instead, to conduct consultations using alternative cost-effective and innovative means.

Proposed resolution

14.   The General Conference may wish to adopt the following resolution:

The General Conference,

Having examined document 39 C/47 containing the findings of the Study on International Collaboration on Open Educational Resources in Annex and the observations made by the Executive Board at its 201st session,

Reiterating the need to reinforce international collaboration in the field of OER,

Recognizing that a Recommendation could be an essential tool to strengthen the implementation of legislation, policies and strategies in this field, as well as to enhance international cooperation on the use of OER in support of Sustainable Development Goal 4 "Education",

1.   *Decides* that the international collaboration on OER must be regulated at the international level through a recommendation on this matter;

2.   *Invites* the Director-General to submit to it, at its 40th session, a draft text of a recommendation on Open Educational Resources without convening the special committee referred in Article 10, paragraphs 4 and 5, of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution.

ANNEX

**STUDY ON INTERNATIONAL COLLABORATION
ON OPEN EDUCATIONAL RESOURCES (OER)**

INTRODUCTION

1.   By 199 EX/Decision 24, the Executive Board 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 to it for consideration at its 201st session".

2.   The present item, based on a study of an external consultant,[1] is a follow-up to this decision, providing an analysis of the overall benefits and challenges of different forms of international collaboration on OER.

3.   The term OER, coined at a UNESCO Forum in 2002, refers to: "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".

4.   OER, through its inclusive nature, contributes to a variety of areas by preparing students to thrive in dynamic, twenty-first century knowledge societies. Besides the beneficial use of OER in the fields of mobile learning and education, the use of OER is contributing to global citizenship education, education in post-conflict and post-disaster situations as well as risk preparedness.

5.   Providing OER is consistent with UNESCO's constitutional commitment to "the free exchange of ideas and knowledge".[2] Learning materials freely available for adaptation and re-purposing can expand access to learning of better quality at lower cost. The rapid expansion of technology-mediated approaches to deliver learning worldwide has accentuated the sharing and relevance of OER and amplified this global phenomenon.

FINDINGS OF THE STUDY

I.   CONTEXT

6.   The Universal Declaration of Human Rights states that all people have basic inalienable rights and fundamental freedoms that include the right to receive and impart information and ideas through any media and regardless of frontiers (Article 19) and the right to education (Article 26).

7.   In this light, three significant developments in the current context underscore the need and urgency for enhanced international collaboration on OER:

8.   First, the United Nations adopted the 2030 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 for Action (2015).[3] UNESCO now has a universal and comprehensive mandate based on SDG4 for OER to play a more prominent role at all levels of education, from K-12, to technical and vocational education and training, to higher education.

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[1]   The full study can be accessed in English (original language) here:
         http://en.unesco.org/sites/default/files/oer_study_march_2017.pdf and in French here:
         http://en.unesco.org/sites/default/files/oer_study_march_2017_fr.pdf
[2]   UNESCO Basic Texts: http://unesdoc.unesco.org/images/0024/002439/243996e.pdf
[3]   Incheon Framework for Action: http://www.uis.unesco.org/Education/Documents/incheon-framework-for-action-en.pdf

9.   Second, the Government of Slovenia and UNESCO will jointly organize the second World OER Congress in Ljubljana, from 17 to 20 September 2017. In announcing the 2nd OER Congress at the United Nations, the President of the Republic 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".[4] For UNESCO, the Congress represents a vital opportunity to mainstream OER at all levels of education as an effective tool for SDG 4.

10.   Third, the UNESCO Open Access Policy, adopted by the Executive Board at its 191st session in 2013,[5] has given irrevocable right to access, copy, use, distribute, transmit and make derivative works in any format within certain constraints. It applies to all UNESCO publications published from 31 July 2013. With this publishing model, UNESCO has reinforced its commitment to encourage and protect universal access to information and knowledge.

11.   These developments demonstrate that the principles of OER are currently in United Nations and UNESCO policy documents. They also point to the need for further work in mainstreaming OER in order to meet the challenges of SDG4 through structured and strategic approaches.

II.   ACHIEVING SUSTAINABLE DEVELOPMENT GOAL 4

12.   The Global Education Monitoring Report (GEM) 2016[6] underlines three main imperatives for achieving SDG 4.

- 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 by 2030; a goal that should have been achieved in 2015. It recalls that strong political will, policies, innovation and resources from Member States are required to reverse this trend.

- 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.

- It underscores that 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.

13.   The message of the Global Education Monitoring Report 2016 is clear: the global community must mobilize strategically in order to meet the unprecedented challenges of attaining SDG4. OER, which represents an innovation for sharing knowledge to support quality lifelong learning opportunities, is a powerful tool to this end.

III.   PROGRAMME ACTIVITIES: BENEFITS AND CHALLENGES

14.   Since 2002, UNESCO has been active in mobilizing international collaboration on OER through conferences, expert meetings, research, studies, guides, the establishment of OER Chairs, capacity-building workshops, publications and guidelines.[7] 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

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[4]   United Nations News Centre: http://www.un.org/apps/news/story.asp?NewsID=54982#.WICc_mffN5E
[5]   UNESCO Open Access Policy:
        http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ERI/pdf/oa_policy_rev2.pdf
[6]   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
[7]   EXB 199/24 provides a full overview of UNESCO programme activities in this area:
        http://unesdoc.unesco.org/images/0024/002442/244241e.pdf

grew steadily and gained momentum over the first decade of this century. However, there seems to be a possible disconnect emerging between work at the grassroots level and policy formulation.

15. UNESCO and the Commonwealth of Learning (COL), with support from the William and Flora Hewlett Foundation, launched the *Fostering Governmental Support for OER Internationally* project that led to the first World OER Congress (UNESCO, Paris, June 2012) which adopted, by acclamation, the 2012 Paris OER Declaration.[8]

16. UNESCO has implemented the *Paris 2012 OER Declaration* as part of its four-year budget and programme 2014-2017. The UNESCO Programme and Budget adopted by its Members States for 2014-2017 articulates this commitment to OER in Major Programme V 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 Competency Framework for Teachers as well as training on OER-based mobile applications for youth.

17. With regards to impact of these programme activities, an external evaluation of UNESCO and COL's work in OER in 2015[9] 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 single strategy for point of entry could 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.

18. This evaluation confirmed that current international work on OER have had their benefits in promoting OER and need continuous encouragement. The report concluded, however, that the ultimate goal of making OER part of standard practice in education delivery systems has not yet been met.

IV. TECHNICAL, FINANCIAL AND LEGAL IMPLICATIONS

19. OER programme activities described above have resulted in a series of UNESCO Secretariat documents, such as statements and guidelines. As these Secretariat documents were issued by expert meetings (category IV according to UNESCO's classification), these are not considered to be standard-setting instruments. The 2012 Paris Declaration is an example of such a document.

20. With regard to administrative and financial aspects, these forms of international collaboration relied on regular programme funds supplemented by extrabudgetary funds. These activities have benefitted from significant extrabudgetary support, from the William and Flora Hewlett Foundation as well as from the European Commission and the Government of Slovenia. At regional, national and institutional level, they were implemented on a voluntary basis, depending on the interest, capacity and resources available.

21. While programme activities on OER conducted since 2002 have made huge strides in awareness-raising and capacity-building on OER, this level of international collaboration has not resulted in systematically fostering the mobilization of OER necessary to meet the challenges emerging from the Education 2030 Framework For Action, as well as from Goal 4 of the 2030 Agenda for Sustainable Development. There remains a need for mechanisms to support 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 and practices at national and institutional levels and formalize the leadership UNESCO has provided in this area since 2002.

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8   2012 Paris OER Declaration:
     http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/Events/Paris%20OER%20Declaration_01.pdf
9   http://www.hewlett.org/library/evaluation-of-the-william-and-flora-hewlett-foundations-investment-in-international-policy-advocacy-for-open-educational-resources/

V. DESIRABILITY OR NECESSITY OF A STANDARD-SETTING INSTRUMENT

22. A standard-setting instrument would give UNESCO the legal framework to encourage national policy formulation and the use of OER at all levels. Such an instrument could provide a solid mechanism for ensuring high-level governmental and intergovernmental dialogue on the opportunities and challenges that it would address. It could also include formal mechanisms for Member States to interact at the intergovernmental level on a regular basis, to exchange on topics addressed by the standard-setting instrument. Finally, such instrument could constitute an important means to ensure OER issues are being maintained at the forefront of national and international conversations.

23. While a number of instruments in the field of communication and information and education[10] already exist, none of these specifically relate to the area of educational content and its licensing. The development of a standard-setting instrument on OER could, thus, represent the first such instrument, provided that Member States deem it useful and necessary.

VI. POSSIBLE SCOPE OF THE INSTRUMENT

Conventions

24. A Convention on OER would be the strongest instrument for Member States to adopt on international collaboration on OER. However, Conventions 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. Taking into account, the period required for a Convention to enter into force on the one hand, and 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 might not be the most desirable instrument.

Recommendations

25. A Recommendation is more flexible and could become operational more rapidly. Despite being a formulation of principles ("soft law"), it could raise the profile of OER collaboration to a higher political level in all Member States of UNESCO. This could stimulate the policy-making necessary to realize the potential of OER for accessing knowledge freely, providing quality content at no cost. A Recommendation could heighten awareness of the potential of OER for achieving the SDGs and could meet the interests of many Member States. It could also provide Member States' stakeholders with stronger grounds for encouraging their governments to support the attainment of SDG4 at the national level.

26. A Recommendation also includes provisions for subsequent information gathering. A Recommendation has the possibility to be rapidly adjusted to meet the constant technological evolution in OER and assist Member States to achieve best practices. Concerning its financial implications, Recommendations do not entail statutory meetings thus giving UNESCO more flexibility in deciding when meetings should be held and securing extrabudgetary funds if needed.

27. The reports implementation by Member States of Recommendations shall be submitted every four years, unless the General Conference, in the case of specific recommendations, decides otherwise.[11] Reporting for Recommendations 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. The preparation of a Recommendation in the 2018-2019 biennium

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10 UNESCO legal instruments in the field of education:
   http://portal.unesco.org/en/ev.php-URL_ID=13648&URL_DO=DO_TOPIC&URL_SECTION=-471.html;
   UNESCO legal instruments in the field of communication and information:
   http://portal.unesco.org/en/ev.php-URL_ID=13651&URL_DO=DO_TOPIC&URL_SECTION=-471.html
11 Specific multi-stage procedure for the monitoring of the implementation of UNESCO Conventions and Recommendations for which no specific institutional mechanism is provided (adopted by the Executive Board at its 177th session and adopted at its 196th session

would require approximately US $100,000 that could be financed either through the Regular Programme or extrabudgetary resources. A Recommendation could support the pursuit and continuation of other forms of international collaboration described in sections above, supported by extrabudgetary funds.

CONCLUSION

28.   This study has concluded 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 through a structured and systematic approach. Any mechanism to that end 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 SDG4.

29.   Open educational resources are a product of the digital world with the potential to further the goals of UNESCO in education. They enable countries, institutions and teachers to share quality education material widely; challenge teachers to incorporate digital technology into their courses and programmes; and enable students to access quality content in an autonomous manner.

30.   It is important that governments harness the potential of the OER movement to their goals for social and economic development. UNESCO could further support any mechanism that will stimulate governments to create strategic policy frameworks and implementation processes to bring OER into the mainstream of their educational systems to support the achievement of SDG 4.