



Civil Society Working Group
Scientific Information
<http://www.wsis-si.org>

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Consultation of the Research Council of the United Kingdom

ACCESS to RESEARCH OUTPUTS

Our Civil Society working group is operating within the framework of the [World Summit On the Information Society](#) (WSIS), a summit of the United Nations, and our group would like to bring evidence, in our input to the consultation that the RCUK proposed position on access to research outputs is in full agreement with the recommendations of the first summit of the WSIS, and therefore should be supported by the government of the United Kingdom since the United Kingdom did undersign the Declaration of Principles and the Plan of Action.

Our evidence focuses on the recommendations that have been adopted in December 2003, at the [World Summit On the Information Society](#) (WSIS) (<http://www.itu.int/wsis>),

It is assumed that the reader is already conversant with the concept of Open Access journals and Open Archives, so there is no need of a lengthy presentation of the topic. There is, however, one important point that we have to stress beforehand : Journals or archives that comply fully with our definition of Open Access only if their web sites can be conveniently and freely copied and mirrored.

The name ^aWSIS Civil Society Working Group on Scientific Information^o will be abbreviated as WG-SI.

Our comments are structured as follows :

- 1/ Presentation of the WSIS
- 2/ Presentation of WSIS paragraphs of interest.
- 3/ Commentaries on selected WSIS paragraphs.
- 4/ The global issues.
- 5/ Implementation of the WSIS recommendation by UNESCO.
- 6/ Conclusions.

1/ Presentation of the WSIS

The World Summit On the Information Society (WSIS) is a summit of the United Nations. The two main reference resolutions are the ITU Resolution 73, 1998 and the UN General Assembly Resolution 56/183 - 90th plenary meeting, 21 December 2001. The summit is being organized by the International Telecommunication Union (ITU). The WSIS is the first UN summit, where the Civil Society does officially participate. In this regard, it is a historic event.

The WSIS itself is held in two meetings :

* Geneva (Switzerland), 10-12 December 2003, where a Declaration of Principles and a Plan of Action were adopted.

* Tunis (Tunisia), 16-18 November 2005, where progress that has been made will be assessed and a further plan of action will be adopted.

WSIS recommendations, and the word *per se* is clear, cannot be enforced. However, they have a strong moral and political weight and negotiations on their content are very intense. If the WSIS recommendations were of no value, why there should be such an intense diplomatic fight around them ?

WSIS recommendations do feature legal values (<http://www.wsis-pct.org/wsis-info.html#legal>) among those of interest here :

A recommendation allows to waive the international responsibility of a state that is implementing it. For example, if state A is accusing state B before the WTO or WIPO because state A considers that the support by state B to an Open Access initiative amounts to an unfair competition to commercial publishers of state A or is causing damages to copyright holders of state A, then state B may invoke the recommendation that has been undersigned by state A. In

other words, one cannot criticize what one has recommended.

A recommendation helps to waive the responsibility of whatever entity in a State is implementing a UN recommendation in regards to National Authorities . For example, if a research and funding institution takes the initiative of a policy whereby its researchers are obliged to follow an Open Access policy (journals and/or archives), then the Ministry of Industry & Commerce, sensitive to the lobbies of the publishing industry would be in a difficult position to ask the Government to take actions against such institution, because the Government has agreed to recommend such a type of initiative, before all the peoples of the world at the UN.

Two points must be stressed: first recommendations are adopted only after reaching the consensus of all 176 states, second, there are adopted while taking into account global considerations. Access to Scientific Information is not the sole topic of the WSIS and this is quite appropriate indeed, because this topic is considered within the framework of worldwide societal, cultural, technological and economical development, and not just within the narrower framework of the scientific community as it has been most often be the case. We are bringing therefore a worldwide perspective.

2/ Presentation of WSIS paragraphs of interest.

The paragraphs that have been adopted by the assembly of nations and that are related in general, to knowledge sharing and access to scientific information and more specifically to scientific publishing are the following ;

DECLARATION of PRINCIPLES

B. An Information Society for All: Key Principles

3) Access to information and knowledge

24. The ability for all to access and contribute information, ideas and knowledge is essential in an inclusive Information Society.

26. A rich public domain is an essential element for the growth of the Information Society, creating multiple benefits such as an educated public, new jobs, innovation, business opportunities, and the advancement of sciences. Information in the public domain should be easily accessible to support the Information Society, and protected from misappropriation. Public institutions such as libraries and archives, museums, cultural collections and other community-based access points should be strengthened so as to promote the preservation of documentary records and free and equitable access to information.

28. We strive to promote universal access with equal opportunities for all to scientific knowledge and the creation and dissemination of scientific and technical information, including open access initiatives for scientific publishing.

C. Towards an Information Society for All Based on Shared Knowledge

67. We are firmly convinced that we are collectively entering a new era of enormous potential, that of the Information Society and expanded human communication. In this emerging society, information and knowledge can be produced, exchanged, shared and communicated through all the networks of the world. All individuals can soon, if we take the necessary actions, together build a new Information Society based on shared knowledge and founded on global

solidarity and a better mutual understanding between peoples and nations. We trust that these measures will open the way to the future development of a true knowledge society.

PLAN of ACTION

C. Action Lines

C3. Access to information and knowledge

10. ICTs allow people, anywhere in the world, to access information and knowledge almost instantaneously. Individuals, organizations and communities should benefit from access to knowledge and information.

h) Support the creation and development of a digital public library and archive services, adapted to the Information Society, including reviewing national library strategies and legislation, developing a global understanding of the need for "hybrid libraries", and fostering worldwide cooperation between libraries.

i) Encourage initiatives to facilitate access, including free and affordable access to open access journals and books, and open archives for scientific information

C7. ICT applications: benefits in all aspects of life

14. ICT applications can support sustainable development, in the fields of public administration, business, education and training, health, employment, environment, agriculture and science within the framework of national e-strategies.

This would include actions within the following sectors:

18. E-health

b) Facilitate access to the world's medical knowledge and locally-relevant content resources for strengthening public health research and prevention programmes and promoting women's and men's health.

22. E-science

b) Promote electronic publishing, differential pricing and open access initiatives to make scientific information affordable and accessible in all countries on an equitable basis.

c) Promote the use of peer-to-peer technology to share scientific knowledge

and pre-prints and reprints written by scientific authors who have waived their right to payment.

d) Promote the long-term systematic and efficient collection, dissemination and preservation of essential scientific digital data, for example, population and meteorological data in all countries.

e) Promote principles and metadata standards to facilitate cooperation and effective use of collected scientific information and data as appropriate to conduct scientific research.

C8. Cultural diversity and identity, linguistic diversity and local content

23. Cultural and linguistic diversity, while stimulating respect for cultural identity, traditions and religions, is essential to the development of an Information Society based on the dialogue among cultures and regional and international cooperation. It is an important factor for sustainable development.

b) Develop national policies and laws to ensure that libraries, archives, museums and other cultural institutions can play their full role of content providers in the Information Society, more particularly by providing continued access to recorded information.

c) Support efforts to develop and use ICTs for the preservation of natural and cultural heritage, keeping it accessible as a living part of today's culture. This includes developing systems for ensuring continued access to archived digital information and multimedia content in digital repositories, and support archives, cultural collections and libraries as the memory of humankind.

3/ Commentaries on selected WSIS paragraphs.

Commentaries are needed to better appreciate the meaning of the texts, their extent as well as their legal and political consequences within the context of Open Access.

DECLARATION of PRINCIPLES

The term win/win proposition has been present for a long time in the various drafts, but has been removed, possibly being too colloquial, and replaced by the term "digital opportunity for all". Open Access may be identified as a win/win proposition because it creates immediate benefits to transition countries, while providing long term savings to industrialized nations.

B. An Information Society for All: Key Principles

3) Access to information and knowledge

26 This importance of the public domain is recognized, and this implies that national regulations should not hinder its growth. The role of libraries and archives is underlined.

28. This is a key paragraph for Open Access. The term "strive" is a strong term that replaced "encourage" upon proposition of the Iranian delegation, after negotiation with the United States. The words "including open access initiatives for scientific publishing" are the results of the joint efforts of the WG-SI and the Croatian delegation that brought this language to the floor. Tense negotiations were conducted with the United States and the European delegations to the effect of agreeing on a precise language that they would not veto. China and India were consulted also on the precise language.

CI. Towards an Information Society for All Based on Shared Knowledge

An interesting aspect of the summit is that progress will be evaluated. Nations that are going to be slow to implement the WSIS recommendations will face the judgement of fellow nations with an official venue, where of course the civil society will make it best to showcase those who are compliant as well as those who are reluctant. Non compliant nations might therefore pay an heavy political price, while a compliant nation is reaping international prestige and influence.

67. It is underlined that the information is a society based on shared knowledge, well in tune with the Open Access paradigm and in conflict with the business model of restricted journals.

PLAN of ACTION

CI.Action Lines

C1. The role of governments and all stakeholders in the promotion of ICTs for development.

It is underlined that governments should take effective actions. Legal actions as other practical measures in favour of Open Access are therefore expected to be part of each national e-strategy by 2005.

C3. Access to information and knowledge

10.

i) This paragraph is a key paragraph in explicit support to Open Access and was the occasion of an intense lobbying by the WG-SI and many diplomatic fights. The initial text of this paragraph has been written by the WG-SI and has been included in the governments' draft at the end of PrepCom2. The text came under discussion during PrepCom3. The current text is fruit of the joint efforts by the Kenyan and Croatian delegations at PrepCom3B. The word "free and affordable access" may seem redundant at first glance, but it was added at the request of the representative from Sudan (at PrepCom3, during an *ad hoc* government working group where Dr. Francis Muguet was kindly allowed to assist.). It may be explained from the perspective of an access from a developing country, where the cost of communication and not just the free access to the server must be taken into account. The WG-SI also included books because accounts of scientific research are also reported in books. Support to the open archive initiative (<http://www.openarchives.org>) is also explicitly mentioned. Open archives constitute a crucial component of the Open Access movement, along with Open Access journals.

C4. Capacity building

It implies that national bodies are invited to finance Open Access Initiatives. An innovative Open Access initiative can certainly be construed as a pilot project involving new forms of ICT-based networking, between and among developed and developing countries.

C7. ICT applications: benefits in all aspects of life

14. Open Access Initiatives may also be considered as ICT applications within the framework of national e-strategies.

18. E-health

b) The only way to truly facilitate access to the world's medical knowledge that is contained in scientific journals is that all medical journals should be open access. It is an urgent health matter, an international emergency. It is not exaggerated to state that people are currently dying because of the lack of open access that prevents many medical practitioners from accessing to updated or specialized medical knowledge.

22. E-science

b) This is yet another paragraph where Open Access is explicitly supported. WG-

SI has been very active in promoting Open Access in this paragraph. ICSU has been active in promoting "differential pricing", that may apply both to the price being paid by readers, within the Restricted Access paradigm, as well as publication charges paid by authors within the Open Access paradigm.

It is clear that action in favour of Open Access can be accounted within the framework of a national contribution to the Digital Solidarity Agenda. Developed countries are going to have to make concrete efforts to fulfil their international commitments to financing development. Efforts that could be made in favour of Open Access can be included in the fulfilment of international commitments. In fact, developed countries governments are quite desperate to find development schemes that would be the most effective, while spending as little as possible. In this context, Open Access is beneficial to all, because any financing action that could be undergone is expected not only to have a practical impact in developing countries but also to benefit to developed countries, up to the point of generating significant long term savings in those developed countries. Open Access financing can be achieved both in the name of a national scientific effort, but also in the name of international solidarity, therefore being able to draw financial resources and political support from different allocated budgets and ministries.

4/ The global issues

The issues must be evaluated both from the perspective of developing and transition countries as well as from the standpoint of industrialized nations.

Developing and transition countries must be able to access to scientific information located in industrialized countries.

As we raised awareness, during the WSIS negotiations, Open Access is a prerequisite to sustainable development. Without a decent access to scientific knowledge, any able scientist and engineer is almost forced to flee to a country where such a decent access exists, therefore creating a brain drain which is an insufferable damage to nascent academic bodies that are the basis of a high quality education system. The brain drain also affects the pool of technologists that constitutes the reservoir of high tech entrepreneurs.

In industrialized countries, in contrast to developing countries, the awareness in favour of Open Access is not as recent. In the [Budapest Open Access Initiative](#) (February 14, 2002), a [clear strategy](#) was outlined that considers both the Open Archives initiative and the Open Access Journal movement :

To achieve open access to scholarly journal literature, we recommend two complementary strategies

I. [Self-Archiving](#): First, scholars need the [tools and assistance](#) to deposit their refereed journal articles in open electronic archives, a practice commonly called, self-archiving. When these archives conform to standards created by the [Open Archives Initiative](#), then search engines and other tools can treat the separate archives as one. Users then need not know which archives exist or where they are located in order to find and make use of their contents.

II. [Open-access Journals](#): Second, scholars need the means to launch a new generation of journals committed to open access, and to help existing journals that elect to make the transition to open access.

This awareness was spurred by the spiral of ever increasing subscription prices to restricted journals. With commercial publishers, the current situation can be understood as the result of an unfair market place. With a few learned societies, this can be understood if those learned societies see their publications as their main financial resource for maintaining an important infrastructure, while adopting the policy that free diffusion of knowledge is not their prime concern. We feel that learned societies, if they wish to keep their privileged tax exempted status (which amounts to indirect state grant) should abide by a few ethical guidelines, which should include the adoption of an Open Access policy, now recommended by the WSIS, and therefore also implicitly recommended by the United Kingdom government.

It has been stressed many times that the current situation is absurd, in macroeconomical terms, because the scientific community is donating content to publishers that are then reselling to the very same community, the very same donated content at a very high price.

In moral terms, it has been underlined also that the mission of the research agencies and philanthropic foundations would be indeed incomplete, if they are funding research for the benefit of the whole humanity, while not taking care that accounts of funded research efforts are not freely available to the whole humanity.

We are also underlining that Open Access would also benefit economically to small and large businesses that may access freely to scientific and technical information, and therefore, adoption of an Open Access policy is expected to spur economical growth and high tech employment.

In the [Budapest Open Access Initiative](#) , the [Bethesda Statement on Open Access Publishing](#)(30 June 2003) and the [position statement by the Wellcome Trust in support of open access publishing](#) (October 1,2003) various philanthropic foundations and institutions have taken a position in favour of Open Access.

The [Berlin Declaration on Open Access to Knowledge in the Sciences and](#)

Humanities (22 Oct 2003) constitutes a step further, because it is a declaration that has been undersigned by the majors French and German public research and funding agencies. Greece also joined.

It is clear that the RCUK proposed position on access to research outputs falls exactly within the trend set by the Berlin Declaration, that has become a broad European and worldwide movement now stretching as far as China.

Another global context that must be considered is the well publicized generous initiative of Prime Minister Tony Blair and the British government : The Commission for Africa whose report was published on 11 March 2005 (<http://www.commissionforafrica.org/>).

Open Access although not explicitly quoted seems an urgent necessity when one read some paragraphs of the report that are worth to be quoted :

21 Qualified professional staff are essential to all forms of development. The delivery of health, education and other services depends on them. They are crucial for collecting and managing data, and debating and developing good policies, based on the evidence of what works and what does not. They are essential to implementing those policies and to monitoring how they are put into effect. Scientifically and technically proficient staff are needed to identify opportunities arising from innovation and scientific discoveries and to develop effective policy in areas such as science, trade and resource management. Especially in the private sector, these particular skills are key to performance and innovation. Africa has been lacking skilled men and women in all these spheres and fundamental to this shortage is the loss of much of Africa's pool of skills to the developed world. Around 70 per cent of Ghanaian medical officers trained in the 1990s have left , and it has been estimated that there are more African scientists and engineers working in the USA than in the whole of Africa.

22 This shortage starts with higher education, which ought to be the breeding ground for the skilled individuals whom the continent needs. Higher education and research institutes can also improve the accountability of governments and build participation and citizenship. As well as providing skilled staff, they also generate independent research and analysis that supports the vibrant debate that can greatly improve the effectiveness of government policy and other services.

23 But many of Africa's higher education institutions are still in a state of crisis. They lack physical infrastructure, such as internet access, libraries, textbooks, equipment, laboratories and classroom space. Senegal's Université Cheikh Ata Diop built for 13,000 students now houses over 23,000. They lack human resources, such as teachers, lecturers, and administrative and managerial systems. Unattractive conditions, brain drain and HIV and AIDS are depleting capacity and faculties are ageing.

We recommend the RCUK to contact the Commission for Africa to receive its political as well as financial support and to coordinate efforts with this Commission.

5/ Implementation of WSIS resolutions by UNESCO.

A recent UNESCO thematic meeting "UNESCO between two Phases of the World Summit on the Information Society" was held in Saint-Petersburg (Russian Federation, 17-19 May 2005). The final document of this meeting has been disclosed on August 09, and it contains detailed innovative recommendations (<http://www.wsis-si.org/unesco-russia05-recomm.html>) concerning the implementation of Open Access. In the context of the RCUK position, among the Open Access recommendations, we underline :

We recommend UNESCO and other UN specialized agencies, as well as other public and private funding institutions in the world:

- *to concentrate their financial resources on supporting or implementing self-sustainable Educational, Scientific and Cultural Information systems without costly recurrent licensing fees, with the help of Open Access repositories as well as Free Software, Open Source, and proprietary Freeware tools;*
- *to require as a grant or endorsement condition, publication in the Open Access model of any full report of research being even partially funded, or morally endorsed by them;*
- *to support and endorse the initiatives of Funding Institutions to implement their own mandatory Open Access Archives;*

6/ Conclusions.

From the evidences that have been brought forward in those comments, it appears clearly that RCUK proposed position on access to research outputs is not only in full agreement with the recommendations of the [World Summit On the Information Society](#) (WSIS), but also with the movement of the [Berlin Declaration](#) , the context of the Commission for Africa.

The RCUK proposed position is exactly in line with some of the recent recommendations of the UNESCO thematic meeting held recently in Saint-Petersburg.