

The Secretary General
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Draft of the "UNESCO Recommendation on Open Science

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Dear Secretary General, dear Dr Luckscheiter,

Thank you for the opportunity to comment on the draft UNESCO Recommendation on Open Science as a contribution to the development of a German position. Following on from the agreement between our institutions in June last year, the fundamental orientation of the text is particularly important to us.

Here we would like to point out that the overall impression of the draft paper essentially shows a fairly affirmative positioning towards Open Science, which does not make the existing important areas of tension clear enough. At the same time, the HRK in principle acknowledges the diverse potentials of Open Science and, among other things, is the lead organisation of the Alliance of Science Organisations in Germany in the DEAL project, a major advocate for the introduction of Open Access as the principle way of publishing. However, in the interest of the universities, the HRK also sees fundamental conflicts in Open Science which, in our view, should be clearly stated. In this context I would like to highlight

- the tension between the cooperative idea behind Open Science and scientific competition, which is particularly important in the German discussion. This conflict of goals that is typical for research is not new in itself, but it is precisely these principles that must be weighed up in each individual case. This also means explicitly granting the scientific actors leeway to decide against the respective principles of Open Science in concrete constellations.
- the consequences of Open Science for the entire quality assurance process of science (for example of Citizen Science) and the questions that arise with regard to the rights resulting from the research process in

terms of intellectual property, primary data, patents and licences. These aspects are an integral part of a functioning science and innovation system. They can of course be discussed in the light of Open Science, but this must be done in a timely and open-ended manner.

- the necessary balance between state-funded science as a public good ("common good") and the anchoring of academic freedom as an initially individual and then, derived from it, institutional constitutional right. Researchers and teachers cannot only be seen as addressees for the implementation of Open Science, but in our view should primarily be addressed as legal entities whose positions should not be dominated and impaired by Open Science, or only under narrowly defined conditions.
- the, in our view, problematic expectation of "Open Science" to overcome economic and social contradictions and divisions via the collectivisation of the scientific output of publicly funded research. In our view, this denies the differences in the infrastructural and personnel capacities of the national science and innovation systems. In addition, the economic basis and market-oriented research and innovation of research organised in the private sector is hardly included in the analysis, and the areas of tension in the cooperation between publicly funded research and profit-oriented company research, which will not disappear even under the auspices of Open Science, remain without a deeper description.

The aspects mentioned seem fundamental to us and have not been sufficiently reflected in the draft presented so far. In our reading, the text does not appear to be optimally balanced, despite its careful presentation and broad-based reproduction of the interrelationships. Thus, it is difficult for HRK to go along unreservedly with this policy. We would be happy to discuss this further.

I wish you and your colleagues a happy and, above all, healthy New Year!

With best regards



Dr Jens-Peter Gaul