

APPENDIX A

DRAFT MEMORANDUM OF UNDERSTANDING

I PREAMBLE

1 Commonwealth Heads of Government at their meeting in Vancouver, in October 1987 considered the report Towards a Commonwealth of Learning submitted by an expert group chaired by Lord Briggs and agreed 'to establish a Commonwealth institution to promote co-operation in distance education, which may become the University of the Commonwealth for co-operation in distance education'.

2 This Memorandum of Understanding provides for the establishment of an institution to be called the Commonwealth of Learning, an Agency which will be an international organisation with international legal personality and which will have member-countries of the Commonwealth, through their governments, as participants.

II PURPOSE AND FUNCTIONS

3 The purpose of the agency is to create and widen access to opportunities for learning, by promoting co-operation between universities, colleges and other educational institutions throughout the Commonwealth, making use of the potential offered by distance education and by the application of communication technologies to education. The agency's activities will aim to strengthen member countries' capacities to develop the human resources required for their economic and social development, and will give priority to those developmental needs to which Commonwealth co-operation can be applied. The agency will work in a flexible manner and be capable of responding effectively to changing needs. It will serve the interests of Commonwealth member countries and of the Commonwealth itself, working in co-operation with governments and other Commonwealth agencies and educational institutions and doing so in a way that is consistent with the principles that have guided the Commonwealth. In performing its functions the agency will seek to ensure the appropriateness of programmes and of distance-education techniques and technologies to the particular requirements of member countries.

4 Within this broad framework, the functions and objectives of the agency will include:

4.1 assisting the creation and development of institutional capacity in distance education in member countries;

4.2 facilitating the channelling of resources to projects and programmes in distance education;

4.3 providing information and consultancy services on any aspect of distance education including the selection of appropriate technology;

4.4 undertaking and supporting staff training in the techniques and management of distance education;

4.5 facilitating inter-institutional communication links;

4.6 undertaking and supporting evaluation and applied research in distance education;

4.7 assisting the acquisition and delivery of teaching materials and more generally facilitating access to them;

4.8 commissioning, and promoting the adaptation and development of teaching materials;

4.9 establishing and maintaining procedures for the recognition of academic credit;

4.10 assisting in the development of local support services to students;

4.11 stimulating and supporting any other activities that fall within the agency's areas of interest by such means as may be approved by the Board of Governors.

5 The agency will operate through a headquarters in Vancouver, such units in other regions of the Commonwealth as may be set up, and networks of teaching, information and research institutions.

6 In carrying out its functions the agency will respect the integrity and interests of co-operating agencies and institutions, as well as their right to work together independently of the agency.

III GOVERNANCE

7 There will be a Board of Governors which will have overall responsibility for determining the principles, policies and priorities that will guide the agency in its day-to-day activities and whose functioning will be in accordance with the following provisions.

7.1 The duties of the Board will include consideration and approval of programme priorities and of the annual work programme and budget, the making of staff regulations and financial regulations, and the appointment of the President. The Board will report both to meetings of Commonwealth Heads of Government and to those of Education Ministers.

7.2 The Board will comprise:

7.2.1 if not otherwise a member of it, the Chairman appointed by the Board

7.2.2 one member appointed by name by each of the five Commonwealth governments which have pledged the largest financial contributions to the agency or programmes approved by the Board over the forthcoming three financial years;

7.2.3 one member appointed by name by each of four Commonwealth governments as agreed by Commonwealth Education Ministers, following a principle that allows for rotation;

7.2.4 three members appointed by the Board;

7.2.5 two members appointed by the Commonwealth Secretary-General;

7.2.6 the Commonwealth Secretary-General or the Secretary-General's representative;

7.2.7 the President of the agency ex officio;

except in the case of the first Board where the Commonwealth Secretary-General will after appropriate consultation propose which four countries should be invited to make appointments to the Board under para 7.2.3 and will himself after appropriate consultation appoint the five further individual members provided for by paras 7.2.4 and 7.2.5.

7.3 In making decisions relating to appointments to the Board due regard will be paid by each appointing authority to the need for the Board to represent adequately all regions of the Commonwealth, distance education and education generally, and the business and communication sectors.

7.4 Members of the Board will be appointed for a term of three years, with one third retiring each year but initially one third of the members will be appointed for two years, one third for three years and one third for four years. Members will be eligible for reappointment for a further term but should not serve a longer consecutive period than six years. Members appointed under paras 7.2.2 and 7.2.3 may appoint alternates to represent them in their absence.

7.5 In the exercise of their responsibilities members will at all times have regard to the interests of the Commonwealth as a whole.

7.6 The Board may invite up to five persons representing governments or organisations contributing to or otherwise significantly assisting the agency's activities to participate on an advisory basis in the deliberations of the Board.

7.7 The Board will meet at least once each calendar year. Ten members will comprise a quorum.

7.8 The Board will have a Chairman who will be a person of international standing, with a term of office for three years. The Chairman will be appointed by the Board on the nomination of the Commonwealth Secretary-General made after appropriate consultation. The Chairman will be eligible for appointment for a second term of three years.

7.9 The Board may establish committees including an Executive Committee and delegate functions to them.

7.10 The Board's decisions will generally be taken by consensus or where necessary by a simple majority of members present and voting, except in respect of financial matters in which case a majority of two-thirds of the members present and voting will be required. The Chairman will have an original and a casting vote.

IV ADMINISTRATIVE ARRANGEMENTS

8 The President will be the chief executive officer of the agency and will be responsible to the Board of Governors for the administration and operations of the agency, for the implementation of its policies and programmes, and for its financial management. The President will be appointed for a fixed term not exceeding five years in the first instance. The President will appoint other members of staff in accordance with such general guidelines as the Board may from time to time determine, and having regard to the appropriateness of recruiting widely among Commonwealth countries. Appointments of senior staff will be made in consultation with, and with the agreement of, the Chairman.

9 The Canadian government will introduce such legislation as may be necessary in order to give the agency a legal personality under Canadian law and to accord to the agency and its staff the immunities and privileges as set out in the Convention on Privileges and Immunities of the United Nations (1948), as accepted by Canada.

10 When the prospect of activities of the agency in the territory of another Commonwealth government renders it appropriate, the agency and such government will confer with a view to such government taking steps to accord corresponding immunities and privileges in its territory to the agency and its staff.

11 The agency will be funded by voluntary contributions from Commonwealth Governments, which will to the maximum possible extent be made in such form as to be freely usable for the purposes of the Commonwealth of Learning, augmented by grants from provinces states or territories of Commonwealth countries and other appropriate agencies and donors and by income from the provision of services. The agency will also be able to seek additional funding from governments, international agencies, institutions and private sources to finance specific collaborative distance education projects. The agency will be empowered to invest and to borrow funds within such limits as the Board may from time to time prescribe, but it will not be authorised to enter into financial commitments which are not covered by firm pledges of funding.

V FINAL PROVISIONS

12 This Memorandum may be amended from time to time as agreed by Commonwealth governments upon the proposal of the Board of Governors or of a Commonwealth government.

13 Commonwealth governments will undertake a full review of the progress of the agency after it has been in operation for five years, including specific provisions in this Memorandum of Understanding, to determine whether any changes in the arrangements are considered desirable.

14 This Memorandum will come into effect immediately after Commonwealth Governments have, at a specially convened meeting of High Commissioners or their representatives, signified their approval of the Memorandum.

APPENDIX B MEMBERS OF THE GROUP

CHAIRMAN

Dr John S Daniel	President, Laurentian University, Sudbury Ontario, Canada
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MEMBERS

REPRESENTATIVES OF MAIN DONOR COUNTRIES

Professor Malcolm Skilbeck	Australia	Vice-Chancellor and Principal, Deakin University
Dr Roger O Iredale	Britain	Chief Education Adviser, Overseas Development Administration
Hajah Misli binti Haji Awang	Brunei Darussalam	Director of Planning Research and Development, Ministry of Education
Mr Noble Power	Canada*	Vice-President, Multilateral Branch, Canadian International Development Agency
Dr Jack Newberry	Canada*	Director of Access Programs, Ministry of Advanced Education and Job Training, Province of British Columbia
Mr Abhimanyu Singh	India	Deputy Secretary, Department of Education, Ministry of Human Resource Development
Prof P Serracino Inglott	Malta	Rector, University of Malta
Mr W L Renwick	New Zealand	Visiting Fellow, Stout Research Centre, Victoria University of Wellington
Professor Akin Adesola	Nigeria	Vice-Chancellor, University of Lagos

INDIVIDUAL MEMBERS

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University of the West Indies

Professor G Ram Reddy
(India)

Vice-Chancellor, Indira Gandhi
National Open University

Mr Kenneth Tsekoe
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Permanent Secretary,
Ministry of Education

*at the second meeting of the Group Canada was represented by:

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Canada

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Division, Department of
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Mr John A Watson

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Assistant Deputy Minister,
Ministry of Advanced
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