

Andrew Cilia
44, Triq Il-Ferrovija
Attard ATD2780
Malta

indri.cilia@gmail.com

29th November 2010

SUBJECT: Response to MITA's public consultation on the OSS White Paper - Open Source Vision - Nurturing the proliferation of Open Source Software

Dear Sir/Madam,

please find enclosed my comments and recommendations regarding your proposed OSS white paper.

OS Versus OS

Despite half-hearted attempts to the contrary, the paper's emphasis on Open Standards throughout the document leads one to equate the latter with Open Source. The emphasis on Open Standards as a major (albeit coincidental) benefit of Open Source appears to be done in a manner which willingly or otherwise, clouds the underlying principles of Open Source. This arbitrary focus has possibly been brought about by the unfortunate similarity of terms and their shared acronym. This has been reinforced in speeches by ministers and chairman of MITA himself (MITA Press Release 13/2010 - Openness and Freedom of Choice in Technology) and echoed by the press in general.

Propriety Versus Utility

The goal of this paper should be to promote a principle founded in reason and common human experience which in turn brings about the many benefits listed in the paper. The principle preceding the application of that principle. OSS is not a reasonable principle because it may reduce costs. It is a true principle which must be acknowledged first and foremost and this should be relayed in every educational initiative.

Level Playing Fields

If the implication of this term is that Government cannot or should not request the provision of an open software solution in preference of its proprietary alternative, then again, the principles of open source have not been understood. OSS by its very nature mandates the government to give it preference over other business models. In a study carried out by James A. Lewis in 2008 entitled '**Government Open Source Strategies**'¹ figures show that the percentage of initiatives that mandate the use of open source software has risen from 1.6% in 2004 to 5.5% in 2008 whilst another 31% of initiatives stated a preference for OSS Solutions. For one of the most compelling arguments, one must refer to Peruvian Congressman David Villanueva Nuñez' response² to a supplier of proprietary software³ accusing the Peruvian government of "*breaching the principles of equality before the law, that of non-discrimination and the right of free private enterprise, freedom of industry and of contract, protected by the constitution*".

1 http://csis.org/files/media/csis/pubs/0807218_government_opensource_policies.pdf

2 http://www.theregister.co.uk/2002/05/19/ms_in_peruvian_opensource_nightmare

3 <http://proposicion.org.ar/doc/gob/VillanuevaNunez-080402.html>

Non-disruptive OSS

The term '*non-disruptive*' qualifying Open Source Software in a number of paragraphs should be removed. The likelihood of there being no disruption when any alternative business model (open or otherwise) is deployed borders on the impossible. This is a pre-condition which could guarantee that OSS may never be adopted. Again, indicative of a mindset that would consider '*tolerating*' OSS instead of embracing its principles. The fact that OSS is being considered in a favorable light after a good 30 years predominance of proprietary deployments in government inevitably implies that a level of disruption must be expected if OSS is to be used.

OSS and Commerce

With reference to paragraph five (5) on page three (3), the word 'commercial' should read 'proprietary'. Clearly, the Open Source Software business model does not preclude it from partaking in commercial enterprise.

Support for OSS in Malta

With reference to paragraph four (4) on page (7), little can be concluded from the fact that support for OSS in Malta is minimal because, as with everything else, services in Malta react to demand. The question is the speed with which services will mobilize if/when greater adoption of OSS occurs. In my experience, this is relatively quick.

Contract Transparency

Assessment of any OSS initiative against the alternatives can only be determined if the costs of both are known. To promote open governance (in the transparent sense), costs of all significant contracts should be made available regardless of their provenance.

I thank you for allowing me to comment on this paper. All efforts to promote the use of OSS should be applauded and this paper is a move in the right direction.

Yours Truly

Andrew Cilia