



## APPENDIX A

# POLICY ON FREE and OPEN SOURCE SOFTWARE USE for the SOUTH AFRICAN GOVERNMENT

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## Introduction

On the 22<sup>nd</sup> of February, this Policy on Free and Open Source Software use for the South African Government as well as the implementation plan was ratified by the South African Cabinet. Previously in 2002 and 2003, Cabinet noted and adopted policy recommendations from the Government IT Officer's Council (GITOC) pertaining to Free & Open Source Software (FOSS)<sup>1</sup>. In putting forth these policies, the issues of technical performance, security, cost and others pertaining to the selection, implementation, support and enhancement of FOSS IT systems were addressed, and it was predominantly on the basis of these direct cost/performance issues that policies supportive of FOSS were adopted.

Subsequent to the adoption of these policies, additional research and consultation pertaining to FOSS has taken place on a national and international level across a wide

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<sup>1</sup> Sometimes referred to by the acronym "FLOSS" for Free/Libre & Open Source Software, a term which is equivalent in meaning. For brevity and consistency, FOSS is used throughout this document.

spectrum of stakeholder groups. It has also become recognised internationally that issues of open content are part and parcel of the issues of open technology, and therefore that Open Content (OC) must be included within FOSS policy. As a result of this additional research and consultation, a revised policy is being recommended, one that builds upon the existing policies and enhances them based on evidence that FOSS/OC contribute in meaningful ways to economic development generally, and directly support South African economic development priorities in particular.<sup>2</sup>

### *The path to an enhanced policy*

There have been two previous policy submissions to Cabinet on Open Source Software.

The first one entitled, Open Software and Open Standards in South Africa: A Critical Issue for Addressing the Digital Divide introduced to Cabinet by The National Advisory Council on Innovation (NACI) its study on Open Software and Open Standards (Cabinet Memorandum No. 13 of 2002). This document makes the use of Open Standards a non-negotiable base for ICT in the public sector in order to promote interoperability and to promote universal access to online government services without prohibitive costs, license restrictions or similar barriers; to minimise the risk of lock-in to specific vendors of ICT products and services; and to lower the entry barriers for local developers who can offer ICT solutions for use in the public sector. The same can, of course, apply to the non-governmental sector.

The South African Government has further supported FOSS by accepting the Proposed Open Source Software (OSS) policy for Government (Cabinet Memorandum No. 29 of 2003) put forward by the then Department of Arts and Culture, Science and Technology and fully supported by the GITO Council. This proposed policy document encouraged the utilization of OSS in government.

Over the last three years, the primary facilitators of continued policy analysis and development have been the GITOC (under DPSA's guidance) as a body of Government ICT experts, and the Presidential National Commission on Information Society and Development (PNC) which gave direction to a diverse team of experts from outside

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<sup>2</sup> These linkages are detailed in Appendix C, "How Open Source is Linked to Development", attached.

government to consider broader information society factors and develop any appropriate enhancements to the GITOC FOSS/OC policy.

In 2005, a conference was organised to assist with the development of an enhanced National Open Source Policy and Strategy and, as a multi-stakeholder group drawn from the public sector, all spheres of government, the private sector and academia with significant depth and breadth of experience and expertise in the range of relevant issues, to issue a Conference Declaration with specific policy and strategy recommendations. The components of the policy were workshopped and debated during the Conference, having been drawn from a synthesis of the GITOC FOSS/OC policy, revised in June 2005, and the PNC draft OSS policy, completed in January 2004.

A unanimous Conference Declaration was issued in September 2005, which the GITOC has subsequently taken, assessed, and used as the basis for its recommendation to Cabinet for the following revised FOSS/OC policy.

## The Policy

The revised policy is the following:

- 1) The South African Government will implement FOSS unless proprietary software is demonstrated to be significantly superior. Whenever the advantages of FOSS and proprietary software are comparable FOSS will be implemented when choosing a software solution for a new project. Whenever FOSS is not implemented, then reasons must be provided in order to justify the implementation of proprietary software.
- 2) The South African Government will migrate current proprietary software to FOSS whenever comparable software exists.
- 3) All new software developed for or by the South African Government will be based on open standards, adherent to FOSS principles, and licensed using a FOSS license where possible.
- 4) The South African Government will ensure all Government content and content developed using Government resources is made Open Content, unless analysis on

specific content shows that proprietary licensing or confidentiality is substantially beneficial.

- 5) The South African Government will encourage the use of Open Content and Open Standards within South Africa.

## Justification

The South African Government has acknowledged, along with many industry leaders, that FOSS/OC is often a viable choice, both on the desk-top and in the back-end. Justifications typically focus on cost, security and similar issues. Even so, when objective technical and financial analyses are conducted to calculate total cost of ownership, return on investment, technical performance levels, security and other measures, FOSS/OC typically proves highly competitive (and frequently superior) across many categories of ICT. Existing Government policy on FOSS reflects such analyses.

This is not to say that FOSS/OC solutions are currently available or appropriate in every situation or for every user, a reality accommodated in the revised policy.

We have seen, however, that many of the early barriers to the use of FOSS have rapidly eroded. As items of FOSS software mature they have become easier to use. Local firms as well as the wider user and developer community offer support, and interoperability between applications has obvious advantages over *de facto* interoperability through majority use of a single application. Alternative business models have arisen which allow contributors to profit from their efforts without charging for the software itself, and many small and large commercial IT vendors have professional teams contributing to open source development projects.

Because of the significant developmental benefits that result from the widespread use of FOSS/OC, in addition to the other positive benefits, the policy establishes a clear preference for FOSS/OC in the South African Government. In those instances where proprietary software offers a significant advantage in the short term, it still ought to be selected, implemented and used, allowing the innovation and energy of the proprietary

software industry to continue contributing to the performance of Government and the development of the nation as a whole. In the longer term these industry partners should be encouraged to provide FOSS solutions in line with the strategic policy of Government.

## Next Steps

In order to implement this updated policy, the GITO Council will move forward with the Implementation Strategy (Appendix A). Responsibilities for the elements of the strategy during the Initiation Phase (phase one) are the following:

<b>Strategy Element (Initiation Phase)</b>	<b>Responsible Entity</b>
1. Disseminate information within Government	GITOC OSS WG (lead), Meraka Institute, SITA
2. Initiate trial use and development	Meraka (lead), DST, SITA
3. Establish a global position and maintain strategic partnerships	DTI, DOC
4. Consult with partners and stakeholders	DOC, DPSA
5. Establish and execute a supporting research programme	Meraka, DOC, DPSA, PNC
6. Consolidate support capacity	SITA
7. Include FOSS/OC utilisation in short and medium-term plans	DPSA, all
8. Level playing fields	Meraka, DPSA, DTI
9. Develop and execute a supporting communications strategy	GCIS
10. Establish and nurture a legislative environment that supports the development and use of FOSS/OC as envisaged in this	DPSA

policy.

## References

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## Appendices

- Appendix A: Policy Implementation Strategy
- Appendix B: Multi-stakeholder Conference Declaration
- Appendix C: How Open Source is Linked to Development