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Source vs. Force: Open Source Software Meets Intergovernmental Politics
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Abstract:
While many nations promote free and open source software through domestic policies, the issue has recently taken on an international dimension: activities in favor of open source are increasingly being undertaken by intergovernmental organizations. This marks an important development because it enables governments to collaborate on projects and jointly resist pressure from proprietary software interests. This paper is an informal survey of empirical cases where intergovernmental organizations have dealt with open source issues. It identifies three venues where open source has become an important and divisive topic: United Nations agencies (particularly the UN Development Program); the World Intellectual Property Organization; and the World Summit on the Information Society. The paper examines which parties endorse open source and why, and where resistance comes from. It considers the reaction of the institutions, as well as open source opponents. Finally, the paper considers the benefits and drawbacks of intergovernmental organizations to address open source software issues, versus letting matters remain a question of national policy and marketplace dynamics.

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I. Introduction: Governments and Free & Open Source Software

During a preparatory meeting of the United Nation's World Summit on the Information Society in Geneva in the autumn of 2003, delegates from over 100 governments and a smattering of invited civil society and business groups were getting weary. The talks were stretching much longer than anyone expected or wanted. The contentious issue was seemingly far from the central topic: the arcane and legalistic world intellectual property. But all the delegates got a powerful lesson in the interplay of geopolitics and technology when in the midst of the frustration in the room, a delegate from Cuba took the floor.

Why does IP matter so much?, he asked. Consider that the Cuban delegation is unable to read the very documentation of this meeting -- the agenda that is posted online and the background papers that the UN Secretariat sent to foreign ministries. It's all in Microsoft Word format, and due to an economic embargo, Cuba can not legally obtain the software, and thus is prevented from participating in a meeting on the very topic of the information society, due to intellectual property. What's more, developing countries can't afford the software; alternatives must be made available. That's why IP issues matters so much when discussing the information society, the Cuban official concluded. [1]

The delegate's point -- regardless of the merits of American policy towards Cuba -- resonates around the world. Free and open source software may assuage the problem of access, and of cost.

The incident throws a spotlight on the degree to which all governments hold a stake in the debate over the adoption of free and open source software (often abbreviated as FOSS, though referred to simply as "open source" in this paper). Governments have an interest for a variety of reasons. Firstly, governments are customers and users of information technology themselves, and need to reduce technology expenditures. This is a banal and usually overlooked aspect of the open source and government debate, but for officials who struggle with annual budgets, it is, ironically, paramount. Secondly, governments need to deploy e-government services, and must design systems that they can tailor to their specific needs, which open source lets them do. Thirdly, governments need to use standards that are open, so that the public can interact easily and at low cost. Public documents -- which governments create and maintain -- shouldn't require the payment of a third-party firm to access, as a principle of an open society in the digital age (e.g.: "You didn't upgrade to the latest version of the software, so you can't read the court charges against you…." Or "We can't access your birth certificate since we no longer buy the software in which it was created.")

Some governments focus on other goals, such as encouraging a local technology industry that can sell and service open source software, or to ensure the security of the software from possible intentional backdoors and accidental vulnerabilities, or to eliminate paying a foreign supplier, or for reasons of national self-sufficiency and sovereignty. A Microsoft official, in a private email to the celebrated corporate investor Warren Buffet, referred to the company's position as a "toll booth" on the information highway that the world had to pay in order to participate. However, what we are now witnessing is that the world is wise to this -- and is starting to fight back in terms of national legislation, and more recently, though intergovernmental organizations.

Open source offers a way for governments to achieve their interests and ease the potential shortcomings of proprietary software. The software is open for inspection; it is freely modifiable to the users' needs; as programming code, it is free to use and thus may cost far less than proprietary software (though there are important indirect costs in terms of installation, customization and support).

Since 2000, many countries have sought to promote open source software through legislation. [2] The results have been uneven. For example, a study by the Center for Strategic & International Studies in 2004 showed that more than 45 nations have considered some policy on open source, and slightly more than half never went beyond the proposal stage. Of those that were approved, the vast majority only encouraged its use but did not pose any requirement to use open source software or to limit the use of proprietary software. Of 24 instances of proposals mandating open source software, none ever went into effect. [3]

China has often considered national rules that would give priority to open source software in government purchases, though in most cases, the policy doesn't actually materialize in as brash a form. Likewise, the UK and France, among others, have indicated it leans towards open source yet end up buying proprietary software. The

pattern suggests two trends: one, that governments are internally divided on the issue; and two, that governments sometimes use the idea of legislating open source use as a bargaining chip to extract a better deal from propriety software companies, namely Microsoft.

In the developing world, the same sort of issues play out, but in a slightly different form due to their different economic status. Developing countries realize that they cannot afford proprietary software (again, namely Microsoft), and want viable alternatives. Moreover, many of these countries have languages that are used by a small pool of people. Open source allows the language interface of the software to be translated into their local tongues by anyone willing to do it, rather than having to wait for the propriety software maker to get around to making the translation (which they may not do, or which may increase the price of the software more than if it were done locally). Local language interfaces are vital because it enables more citizens -- not just a handful who speak a second language -- to use a computer.

However, as countries consider open source software for their needs, they encounter resistance from propriety software firms, who understand that they are commercially threatened by open source, and marshal their political capital and financial capital to lobby against open source. These efforts have been mainly effective in the short term (for example, preventing legislation to mandate open source software, etc.) but will likely fail in the long term.

In this context, the debate over government support for open source is moving from national policies to intergovernmental organizations. For one reason, there is safety in numbers -- governments feel they are in a stronger position to take a controversial stand in favor of open source when among other nations. Additionally, propriety software companies are less able to influence international civil servants as they are domestic politicians who are sensitive to campaign contributions and direct foreign investment, among other things. And at least initially, the activities by intergovernmental organizations could be better "hidden in plain sight" -- that is, implemented without much outside notice due to the sprawling nature of intergovernmental organization initiatives -- unlike domestic programs, which attract national media attention. The result is that starting around 2002, the battleground shifted by many governments to intergovernmental organizations to promote open source software, where governments felt they could achieve on an international level what was difficult to do nationally.

This paper is an attempt to informally catalogue a few of the intergovernmental forums where the debate has played out. It first notes the activities happening in three important venues: United Nations agencies (with a special emphasis on UNDP); the World Intellectual Property Organization; and the World Summit on the Information Society. The paper examines which countries or parties are endorsing open source and why, and where resistance is coming from. It considers the reaction of the institutions, as well as open source opponents. Finally, the paper considers the benefits and drawbacks of intergovernmental organizations to address open source software issues, versus letting them remain matters of national policy and marketplace dynamics.

II. Open Source @ Intergovernmental Dot Org

Open source, at its most fundamental level, is about two things: A community to develop software, and an approach to intellectual property to treat it. In some ways, however, it can be considered a public good because of its open, non-proprietary and non-rivalrous nature (that is, one's use of it doesn't interfere with someone else's use). As such, governments see a natural role in endorsing its development, even if that means making value judgments that prioritize different types of intellectual property approaches, a sort of favoritism that most governments in other contexts are loath to do, or are forbid from doing on regulatory grounds.

Placing the issue on an international footing, governments can distance themselves from outright support by making it appear as if they are following global norms. Additionally, together, countries can support each other, thus enlarging the community of development from which all may benefit -- the very idea of the community that is a central feature of the open source movement. In some cases, the activities lead to practical results in favor of open source adoption. However, the role is mainly educational and symbolic. By convening meetings and publishing reports, the status of the institution -- be it the United Nations or the World Bank -- may help open source projects be taken more seriously in many countries, along with the more tangible outcome of bringing supporters together so they can work more collaboratively.

The following institutions considered are by no means to be a comprehensive look at the activities going on. Rather, they are chosen because they are important in their own way: the UN has the most dominant activities in this area (as one would expect from the predominant intergovernmental association -- though it is relevant to note which agency appears to be doing the most, the UNDP, underscoring the degree to which open source matters are critical for development, not just to the West). WIPO is the preeminent organization handling intellectual property. The intergovernmental economic forums are representative of high-level (and rich) organizations that are following and watching, rather than actively engaged at the grass-roots level. WSIS is the venue where these issues are coming to a serious clash, since the world is revving up for the second phase of the two-part summit in Tunisia in November 2005. A cursory examination of each institution's activities follow:

A. United Nations Agencies

The United Nations family of organizations are run in a mainly decentralized fashion, so speaking of the UN per se in this context makes little sense, nor is there much use in comparing their activities. Yet to focus on only one agency's work is to ignore a fuller picture of the developments at UN agencies, because many organizations are active in open source matters (and not all could be included in this review, of course). As a result, this section surveys four agencies that are making substantial contributions, and are emblematic of how intergovernmental organizations are responding to open source.

UN Development Program (UNDP)
The UNDP is the lead UN agency responsible for development issues, with offices in over 160 countries. The agency relies on "local capacity" for its projects, which focus on poverty reduction, crisis management, the environment, health, and promoting democratic governance. It has encouraged Internet use in developing countries. In one embarrassing incident, its annual Human Development Report 1999, the organization raised the notion of an "email tax" to fund development projects, though it quickly distanced itself from the idea.

In regards to open source, the UNDP has created a subsidiary agency to promote open source in the Asia Pacific region (though it serves as a template for other regions), called the International Open Source Network (IOSN). It is managed by the UNDP's Asia Pacific Development Information Program in Kuala Lumpur, Malaysia until it finds a permanent independent home.

The IOSN serves as a clearinghouse for information about open source activities in the region (with an online portal for information about open source projects, a technical mailing list, and a software repository, and database of programmers). It also hosts conferences, training workshops and plans to establish a small grant program to support open source initiatives (offering between $500 and $10,000 for work on language and font localization, among other things).

In February 2004 in Kuala Lumpur, Malaysia, the IOSN organized a conference that brought together over 50 officials from 20 countries in the Asia-Pacific, which issued a "findings" that called for increased use in free and open source software. (Earlier, the UNDP, in partnership with UNESCO, hosted a similar "Consultation" in Paris, France, on November 24-25, 2003.)

The IOSN is designed not to do things, but to create the institutional framework so that local, independent contributors can collaborate. It has released a comprehensive report meant to promote open source among regional officials. Also, the IOSN accomplished two high-profile but mainly symbolic activities. First, in August 2004, IOSN released a Linux desktop manual aimed at inexperienced computer users in the Asia-Pacific region, with information on how to work on a Linux PC. Second, the group sponsored what is calls the first annual "Software Freedom Day" (on August 28), with events held across Asia where it supplied information to encourage people to use open source.

UN Conference on Trade and Development (UNCTAD)
Founded in 1964 and based in Geneva, UNCTAD provides a forum for intergovernmental discussions, conducts research and policy analysis, and provides technical assistance to developing countries. Where the UNDP is characterized by local initiatives at the level where soil gets under the fingernails, UNCTAD deals more with silk-tied government officials. UNCTAD has no local offices, and so in certain situations relies on the UNDP to support its initiatives.

The evolution of UNCTAD's activities in open source tells an interesting story about the degree to which open source has swiftly become a major force for governments, and the

political sensitivities surrounding it. In 2002, it issued a report that mentioned open source, but only did so in a cautious and slightly neutered way, by posing its usefulness as a question and without recommending it outright. [4] Yet a year later, the tone had changed. In the organization's annual E-Commerce and Development Report 2003, it dedicated an entire chapter to the merits of open source. [5].

By 2004, UNCTAD organized a high-level conference on open source in September [6] with many papers favorably examining how governments can best incorporate the software. At the same time, an official from the organization prepared a paper that considered what role the UN should play in encouraging open source. [7] The group's activities are important because while the UNDP works at the grass-roots level, UNCTAD has strong links with elites in the developing countries, the very people who will need to make budgetary and policy decisions about the software, and will be lobbied by proprietary software interests.

UN Educational, Scientific and Cultural Organization
UNESCO was founded in 1945 to help countries in the areas that its name applies, and to forge links with scholars across borders. Regarding open source, in 2001 UNESCO launched a robust online site with information that encourages open source adoption. It includes links to news, different initiatives, developer documentation, case studies and a bibliography, among other things.

UNESCO also makes available some open source software, such as for information retrieval and digital libraries. Additionally, the organization has hosted numerous workshops on open source, including on in Latin America and Africa, and as already noted above, one in Paris in 2003 in partnership with UNDP. Among the group's future plans is one to translate the portal into numerous languages of large developing countries.

UN Economic Commission for Africa
UNECA is one of five regional commissions of the UN, founded in 1958, and supports the economic and social development of the 53 member states in the region. It has not played a direct role in open source matters, but has had an important influence in seeing the establishment of an organization called FOSSFA, the Free Software and Open Source Foundation for Africa, which was created in 2003 and is based in Kenya. In November 2002 at UNECA headquarters in Addis Ababa, Ethiopia, the UN group hosted an event, the ICT Policy and Civil Society Workshop, which was organized by the Association for Progressive Communications, a civil society group.

The event laid the ground work for FOSSFA. Six moths later, at the second preparatory meeting for the WSIS summit in Geneva, the group was formally created. In May 2003 in Addis Ababa, at a meeting of the Committee on Development Information, a division of the UNECA, the group endorsed FOSSFA and supported its action plan to promote open source in Africa. Since it began, FOSSFA, which is independent of UNECA, has held meetings, organized collaborative campaigns and served as an information clearinghouse on African open source issues. For instance, in February 2004, FOSSFA issues an open

letter to African governments warning them from entering into software deals with Microsoft.

B. World Intellectual Property Organization (WIPO)

The culture of intellectual property is notoriously closed, from the IP bar and patent offices worldwide, to the UN body that handles IP matters, WIPO. However, the organization has recently started to undergo an important change in approach, and one reason is open source. Two recent incidents show the degree to which WIPO has had to confront open source: in the first situation in 2003, the organization seemed intellectually adrift; in the second, in 2004, it acquiesced and agreed to modify its practices to account for open source approaches.

In July 2003, around 60 high-profile legal scholars, activists, economists and technologist in favor of open source wrote the director general of WIPO, Kamil Idris, and requested that the organization host a meeting on open source approaches to intellectual property. [8] WIPO agreed to do so, however, a few weeks later in August, the organization rescinded its decision to convene the meeting following complaints by the US Patent and Trademark Office, which was lobbied by trade groups representing proprietary software firms that opposed the meeting. [9] The decision to halt the plans for the meeting generated an outcry among people in the open source community, as well as its organizers. [10] WIPO looked weak-willed, and the US government appeared as a puppet that took its stage directions from Microsoft.

A little over a year later, at a WIPO General Assembly in late September and early October 2004, the organization approved a document called a "Proposal by Argentina and Brazil for the Establishment of a Development Agenda for WIPO." It calls for WIPO to consider rules that take into account the appropriate form of intellectual property protection for developing countries, recognizing that their needs are different than developed countries, with "open source software" explicitly identified in the text. [11]

Also, during the meeting, WIPO began a process to accredit more non-governmental organizations to participate in its processes (in the past, these groups were usually IP trade groups, thus perpetuating the insularity of the institution). Among the civil society groups to be accredited with "observer status" were the Electronic Freedom Foundation and the Free Software Foundation Europe, both of which are major open source advocates.

C. UN World Summit on the Information Society

The previous examples of where open source issues have been treated at the level of intergovernmental organizations have looked at institutions. This section differs because it examines how open source software has been addressed by an intergovernmental event and a negotiation process. WSIS is a two-phased summit organized by the International Telecommunication Union (ITU), the world's oldest existing treaty organization founded in 1865 (when the T stood for "Telegraph"). The first event was held in Geneva in

December 2003 and the second and final WSIS event will be hosted in Tunisia in November 2005.

The ITU's record with open source is spotty. It was long a government-backed cartel of the major telecom carriers and effectively restrained innovation in telecommunications. ITU's telecommunications standards have been historically been closed and expensive to implement. Indeed, the open-source Internet standards were not formally recognized until as late as 1998, since the Internet's standards-setting body, the Internet Engineering Task Force, is not a government-affiliated group. Today, the ITU has changed its practices considerably, and makes its standards basically open and less expensive to implement.

Though the issue of the information society should seem rather uncontroversial compared to the bigger disputes that currently pock international relations, WSIS nevertheless was the site of fractious debate over three things: Internet governance (i.e. managing the domain name system); funding digital divide initiatives; and intellectual property -- specifically, open source software.

Throughout the preparatory meetings in 2002 and 2003, open source software was a critical stumbling block. Developing nations, led by Brazil, along with India, South Africa and China, insisted that the two formal documents of the summit, the "Declaration of Principles" and the "Plan of Action" contain positive references to free and open source software. [12] (It is noteworthy that these four countries represent an informal "block" -- industrializing regional powers -- that have exercised their power at other intergovernmental forums, most significantly to stymie the Cancun trade talks in the autumn of 2003) The US, pushed by the technology industry (notably Microsoft), sought to dilute or downplay open source. After the WSIS PrepCom II in March 2003, the US government issued a formal comment, stating that open source is only one model of software development and should not be privileged relative to proprietary software. [13]

Following the PrepCom III in September 2003, the business contingent of the WSIS process issued a report noting that developing countries and civil society groups were at odds with the developing world on open source software, but that Ecuador, Argentina and Mexico softened their stance, while the European Union favored a neutral approach. [14].

Negotiations over intellectual property were time-consuming and tense, according to intergovernmental delegates who attended the closed sessions. Brazil and the US remained divided and an impasse was achieved only when the parties agreed that WSIS was not the appropriate forum for the debate, but to take the issue to WIPO. It was a compromise of mutual unachieved aims. Brazil had wanted stronger wording in favor of open source, which it did not get. Likewise, the US had wanted language indicating that countries must respect existing intellectual property treaties, which it similarly did not get.

In the end, the Declaration of Principles contains no references to "open source" and only one reference to "free software"; the Plan of Action uses the term "free software" twice

and "open source" once. [15] It is written in a predictably neutered way so that all sides can interpret it to support their cause.

III. The Empire Strikes Back: Reaction by States and Software Firms

Unsurprisingly, if the drive by intergovernmental organizations has been significant in favor of open source, the response by those whom are threatened by the actions have also been strong. Also predictably, Microsoft has been at the forefront of battle, either directly or through their surrogate trade associations (such as the Initiative for Software Choice and the Business Software Alliance). With the exception of the United States, other countries either take a neutral stance or actively promote open source at international venues. As for Microsoft's reaction, the tactics the company uses is part sugar, part spice.

In terms of the sweet behavior, over the past few years, Microsoft has made a concerted effort to engage UN agencies, and even partner with them on certain initiatives. For instance, in January 2004, one month after WSIS, Microsoft and the UNDP announced a technology partnership. The software company will donate an unspecified amount of money and free software to support information technology projects in the developing world, with a special emphasis on Africa. (This is the cooperative agreement that FOSSFA warned against, above, since the group says it constrains UN agencies from using open source software.) In November 2004, Microsoft and UNESCO announced an alliance aimed at training teachers and students on information technology, so as to promote it in developing countries.

If part of the behavior is sugary, there is another dimension that is more bitter. The role of Microsoft in scuttling the first planned WIPO meeting on open source has already been noted, above. In that instance, it used the Business Software Alliance to lobby the US PTO to call a halt to the planned meeting. Elsewhere, Microsoft established a covert slush fund, called the "Education and Government Incentive Program," to undercut the price of Windows when it competes against Linux for government contracts. [16] Though the potentially illegal initiative is aimed at national governments and not international organizations, it underscores the importance with which Microsoft treats the government sector in terms of open source.

Strikingly, at WSIS, Microsoft had lobbied hard for the US to include language insisting on adherence to existing intellectual property conventions for an important reason: the firm fears that the WSIS recognition of the critical importance of information technology and the "right to communicate" as a fundamental human right might be one day interpreted by countries to mean that software to access the digital world is a national security interest -- and thus could be a rational used to legitimize compulsory licensing of patents or willful infringement of copyright through government-supported piracy. This, similar to how some countries have formally violated the patents on HIV/AIDS medications on grounds of national interest. [17]

The phenomenon of US diplomacy acting as an instrument of an American corporation has a long lineage, however WSIS marks one of the most conspicuous occasions where this has occurred regarding the software sector. Whether there is an outcry by the broader US technology industry at the actions of "MSUSA" will be a test of the open source community's ability for effective governmental lobbying, particularly in light of the second round of WSIS in 2005.

IV. Conclusion: The Value of Intergovernmental Forums for Open Source

A number of important trends emerge, based on this survey of activities by intergovernmental organizations in regards to open source. First, there is a difference between international organizations that are pursuing open source activities because of the ideological interests of a handful of officials at those bodies, compared with organizations that are active due to a requests from governments that have formal national positions on the topic. It seems that the UN agencies, for the most part, are active due to the support of certain government officials but not formal government positions, while activities at WIPO and WSIS are based on formal diplomatic requests -- and have seen the greatest amount of tension on the issue.

In most cases, governments are using international organizations to advance their open source agenda in a way that they are unable to do domestically. This may because their bargaining power is greater in a collective, multilateral setting versus in bilateral discussions with propriety software firms.

Interestingly, in some respects, the actions of governments may be considered "policy laundering" in reverse. Policy laundering refers to the attempt by countries to use intergovernmental organizations to approve policies that are unfavorable at home, thus enabling the administrations to then point to these international accords when proposing unfavorable legislation and claim that the country is merely trying to comply with international norms. One celebrated example is cryptography policies in the 1990s, when the United States sought to use the Organization for Economic Cooperation and Development to adopt policies favorable to key-escrow (storing users private keys) to bring back to the US, which resisted the idea.

In this instance, however, the "policy laundering" seems to be in reverse -- government officials that favor open source are using intergovernmental organizations to endorse open source, too, as a way to get open software deployed in a way that they are unable to do domestically due to the influence of powerful propriety software interests. Considering that the key supporters for open source are developing countries with little financial and political clout on their own, this rationale is even more clear. Moreover, the nature of open source is to spread development costs through the community of participants, so it makes sense that nations would want to work jointly in this area.

That said, the impact of the activities by intergovernmental organizations is still too early to judge. In the case of UNECA, it clearly has been the catalyst to some African open

source activities. The UNDP's work setting up IOSN for Asia is impressive, but the program itself remains embryonic. The most important role played by intergovernmental organizations seems to be the fact that it legitimizes open source in developing countries, who tend to look to UN bodies for endorsement on policy matters. It might seem odd to conclude that so much effort may have been done merely as a way to "brand" open source approaches as viable, yet in the context of the massive amount of resources that the private sector is putting towards open source around the world, it dwarfs the activities of intergovernmental organizations tremendously.

Another notable trend is the degree to which intergovernmental organizations are working through public and private sector partnerships. Much has been said about these forms of collaboration, as a model for how modern concerns can be addressed through cooperation and the core competency of different contributors. Indeed, the UN in particular has sought to make such partnerships a key aspect of its initiatives going forward in more general areas. In this instance, the open source programs are a successful embodiment of this approach. It is an appropriate outcome, considering that in many of the developing countries where open source is most attractive, the government is the least able to provide the environment to promote open source development, and it is non-governmental groups, encouraged by intergovernmental organizations, that are the ones to actually make it work.

However, the influence of intergovernmental organizations in promoting open source comes with potential drawbacks: it risks politicizing the issue. It makes what is mainly a market matter into a diplomatic one and potentially bolts political interests to technical development concerns that are generally best achieved outside of politics. Ultimately, the debate over governments' role in promoting or limiting open source comes down to the differences in marketplace philosophy regarding the role of public policy in the economy, and the degree to which incumbent companies should be free to influence policy makers to not change the status quo in order to uphold the firms' financial interests.

At WSIS, some civil society groups declared open source software a matter of human rights. There is a view that open source represents a decentralized marketplace and platform for exchange that allows for open standardization and non-corporate, technical evolution of the information society. Moreover, that open source marks a non-proprietary mode of production by individual actors, which can coexist with the role played by firms and the state in economic production.

In such a world, what characterizes open source is the primacy of network effects, whereby the more something is used, the more people want to use it. In this respect, software is akin to the language people speaks or the currency they spend -- and open source will trump proprietary software if it can attain greater numbers of users and, just as importantly, developers. This, in the same way as English is the lingua franca because most people speak it, and the US Dollar is the world's reserve currency because it is the most accepted (at least for the moment). Likewise, open source standards thus become an inescapable international political matter.

It should remain an open question whether governments are therefore the best institutions -- or ought be the sole ones -- to address these issues. Governments, like all centralized, hierarchical entities, don't steward technical standards well; open source is a reaction to one form of hierarchy, commercial firms. Why should the open source community place their trust in governments and intergovernmental organizations, unless their limit is only to encourage the private sector (both companies and non-profit groups) to develop open source themselves?

It exposes an irony that few have considered: If indeed open source represents all that is possible via collaborative individual effort united and enabled via the Internet, and embodies a community of global civil society outside traditional power structures, then why should deferring to the "ancien regime" of national-states and their ancient Westphalian system of intergovernmental relations matter so much? Shouldn't the open source community be able to stand on its own with relying on the shoulders of international organizations in order to compete against proprietary software? Ultimately, we pays our money and we makes our choice.

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Notes
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1. Author's interview with attendees and the Cuban delegate.

2. Evans.

3. CSIS.

4. UNCTAD 2002. A typical passage is: "…it is important to explore the opportunities provided by the availability of free software founded on, among other things, Linux-based platforms." (page 32.)

5. UNCTAD 2003.

6. UNCTAD Expert Meeting on Free and Open Source Software, September 22-24, 2004; Palais des Nations, Geneva.

7. Calovski.

8. Asher. Butler.

9. Krim.

10. Lessig.

11. WIPO.

12. Schenker.

13. USA. The section reads: "The United States recognizes that open source software can contribute to increased access and diversity of choice but it is only one of many possible models for the development of software. The WSIS documents should not promote one over the other (i.e. open source vs. proprietary), but should instead foster the availability of diverse alternatives and the freedom to choose among those alternatives."

14. CCBI. The section reads in full: "Software choice – Some countries want to express a preference for the Open Source software development model as opposed to letting the market decide. Civil Society is also pushing an agenda that all software should be available free without cost. There is a misunderstanding that pervades regarding 'free software' and whether it is truly free of cost. There continues to be a split between developed and developing countries on this issue. However, some progress was made with a few developing countries such as Ecuador, Argentina and Mexico. The EU also spoke in favour of technology neutrality."

15. WSIS.

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