



Promoting open source software

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OPEN Source Software (OSS) has built its consignment as alternative to proprietary software. There are specific attributes of OSS that make it a very practical option especially for countries like Bangladesh increasing ability for the users to use OSS legally without having to pay and customise it to the community's needs building localised versions of the software that is often much more meaningful to the typical target audience.

Likewise, Open Content (OC) offers equivalent freedoms but is applied to non-software content such as text, images, audio-video clips etc. Communities are able to use, distribute and modify content that can be utilised for wider information and knowledge dissemination easily and economically. And Open Standards (OS) are specifications that ensure interoperability without which systems developed by different groups will not be able to interact with each other resulting in islands of data and silos of operation.

OSS enabled easy and free adaptation to the needs of particular countries. And most of these countries the primary beneficiaries are the respective government agencies. When it comes specifically to the software developers in the global south they do not need to accept software developed according to western needs without any real opportunity for local adaptation. Instead they can make their own free contribution to the pool of resources or modify existing software or develop content freely to meet their own needs.

Open source community altogether transformed the interpretation of copyright that it should guarantee benefit not only the author but also progress and society as a whole. OSS openly posed challenge to the idea and practice of Intellectual Property (IP) in the software industry. Almost all leading players after '90s began to introduce open source licensing. OSS increased reverse effects in result of its continuous stretch of the IP rights. On the other hand importance of IP rose with mass-sharing but it opens up the scope that IP regime may become more complex.

Nevertheless, this openness created a balance in commercial regulations. So far there are no regulations on the rights of softwares and any litigation on OSS licens-

ing. Thus still interpretations of licenses are dependent on IP regime. Moreover, regulatory conflicts or licensing violations were mainly absent considering the popularity of the OSS. And this credit goes to hands-on community level control with successful mutual conflict resolutions.

Governance at the global level of IP is presently structured by the Trade Related Aspects of Intellectual Property Rights (TRIPs) agreement and monitored by the World Trade Organisation (WTO). OSS is that alternative which ameliorates most of the cost problems and will enable countries of the global south to install widespread computerisation without making large payments to suppliers from the developed countries. By avoiding the TRIPs' trap, many of them will be better positioned to enjoy the prospective payback of development.

OSS provides the option to develop new component based on existing software, thus increasing the participation and competition in the market, also helps to improve the quality. Proprietary software vendors maintain their data using their own format, which is not open. Most of the time they do it intentionally so that no other vendor can make software that can use its data. OSS can eliminate this problem. OSS helps to develop local users' capacity by making software available to them at zero or low licensing cost and allowing free redistribution.

Most proprietary softwares are developed only in few developed countries. Other countries have to buy those licenses from them. It is difficult for a developing country to come up with a very good quality proprietary software as it takes good amount of time and resources to develop a software in proprietary model. Nevertheless, developing software in open source model is much feasible to developing countries as it allows participation of worldwide developer's community.

Security is an important issue for which countries are moving towards OSS. Proprietary software usually distributed in executable format only. Source code and design is not available there. Consequently, there is no way to understand if software does something unwanted. It may contain some malicious code that can be a threat to security or it may allow an intruder to attack on the computer and steal confidential information. Also main reason of software piracy is high cost of software. As OSS allows

copying of the software, there is no chance to copyright breach.

OSS is important not only in ICT education, but also in all those sectors of education where ICT is leveraged. OSS also plays an important role in e-learning. Cost is one of

peoples' access to information for poverty reduction, public participation for decentralised decision-making, cultural promotion-preservation and also indigenous knowledge and expertise dissemination and preservation. In case of OS already many countries

there have to be a good number of developers with the capacity to work on OSS.

Bangladesh is already going ahead taking diverse initiatives to use ICTs in grassroots. OC is vital as it not only makes information available but it also ensures free access to that. The information is not necessarily only in text format; it can be images, audio or video files. The open source framework allows microfinance institutions to select locally based development and support services to assist with customization of their software, maintenance and implementation support services.

Civil society, NGOs and groups are working for OSS also on its localisation and came up with open Bangla fonts, keyboard layout etc. Some came up with Bangla Linux and are also working on Open Office localisation and popularization jointly with Bangladesh Open Source Network (BdOSN). BdOSN is working on popularization and localisation of OSS. Initiatives focused on the philosophy of open source to school and college students inspiring them to start using open source software for the development of country and their own skill.

For meaningful ICT based initiatives, open source and OC bring potential cost savings and the ability to localise software and content to the needs of local communities resulting in cheaper, quicker and wider sharing of information that has vital contribution to poverty alleviation, raising education quality, and bolstering democratic governance; open standards ensure that such information and knowledge are stored and published in a format that all software systems understand. This can also help in issues like bridging gaps in the generation of technologies and digital divide.

Bangladesh government has to take significant step towards promoting OSS, OC and OS. Still there is no specific policy for this. The projects initiated by the Government stands in favour of OSS and OS. A Centre for Open Content can work on creation of open content, localisation of open content and maintenance of open content. Universities and NGOs can also initiate collaborative projects for creation of open content especially those that are useful for education. Research projects for OSS readiness assessment can also be initiated.

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open source

the important reasons for using OSS in academia. There are a great number of softwares used in the educational institutes in Bangladesh in all these categories, several OSS are available.

Therefore, OSS is the only feasible solution for them. OSS also provides an innovative environment. When the code is open, the students are more encouraged to think about the software and can come up with innovative ideas. From these codes, students also can learn a lot about coding, design and technology (e.g. sourceforge or freshmeat). OC can also open huge amount of books and other materials whose copyright have expired.

Key reasons behind adopting OSS for e-Governance are cost, security and independence. Using OSS in government helps to develop skilled computer professionals but there is a switching cost. OC can ensure

have started e-Government projects, most of which have policies stating that open IT standard and specifications are to be followed.

Recently ITES industry in Bangladesh decided to move to OSS. End-user needs varies from user to user. But in general, end-users want user-friendliness, reliability, security, low cost and support. Recent available desktop linux distributions are very much user friendly. Security is the other most important feature where the OSS outperforms proprietary software. As the code is open it is well tested for security by programmers all around the world. Now days when open source software can provide the user almost all the features (sometimes more features) than the proprietary ones. And many OSS are available at zero cost. The user can get support with the software from worldwide online user community. Also



ICTA 1973 and its international standards

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(...from previous issue)

LIABILITY regime: The liability regime is based on "individual responsibility" in that any of the designated crimes committed by a group of persons would entail individual liability for each person of that group as if each of them individually has committed the crime. Any commanding or superior officer is guilty of committing any of these crimes if he/she is involved in (a) ordering, permitting, acquiescing, participating, or planning and preparing in the commission of any of these crimes, and (b) failing to discharge duty to maintain discipline, control and supervise the actions of persons under command or subordinates committing any of these crimes, or to prevent the commission of such crimes by taking necessary measures (Act ss3:2 and 4). The official position of the accused or acting under domestic law and/or superior order cannot be pleaded as a defence to exonerate responsibility and mitigate punishment for the crimes. Superior orders may be a mitigating factor for punishment only in circumstances where "the Tribunal deems that justice so requires" (Act s5).

This jurisdiction of the Tribunal based on individual criminal responsibility is a widely recognised and judicially endorsed principle of international criminal justice system. The ICC Statute attributes criminal responsibility to individuals for committing any designated international crimes and is liable to punishment under its jurisdiction (Arts 12 & 25). The Nuremberg Tribunal observed that "crimes against international law are committed by men ... and only by punishing individuals who commit such

crimes can the provisions of international law be enforced" (1947 AJIL v. 41, p. 172). In its Nuremberg principles, the ILC stated that an individual who committed an international law crime was responsible for it and liable to punishment and five of the seven Nuremberg principles deal with individual criminal responsibility (GA Res 177(II) 1947). Article 4 of the 1948 Genocide Convention holds persons individually accountable if they commit genocide or other similar acts regardless

further been reinforced in the ICTY (Art Article 7:1&3) and ICTR (Art 6:1&3) Statutes. In its judgment of 14 February 2002 in the Case Concerning the Arrest Warrant of 11 April 2000 (Congo v Belgium), the International Court of Justice held that even an incumbent Minister for Foreign Affairs is responsible for criminal acts and that his/her immunity does not mean impunity from his/her individual responsibility. So the individual criminal responsibility regime

He/she shall have the power to order in writing requiring the attendance before him/her for oral examination of any person apparently having knowledge of the circumstances of the case. Such person must comply with such order, answer all questions and not be excused from answering any question on the pretext that the answer may criminate or expose him/her to a penalty. This principle of "no excuse from answering any question" applies to all witnesses before the Tribunal. Such answer cannot lead any witness to arrest or prosecution or be proved against him/her in criminal proceeding. The designated crimes are cognizable, non-compoundable, and non-bailable. The proceedings commence upon the submission by the prosecution of formal charges of the designated crimes committed by the accused individually. The Tribunal will set a date for the trial of the accused person. The prosecution must submit, three weeks prior to the trial commencement, a list of witnesses, its recorded statements, and other documents that it will rely upon in establishing the charges. The prosecution may call additional witnesses or tender further evidence with the approval of the Tribunal and notification to the defence. The defence is required to submit at the time of the trial commencement its list of witnesses and documents that it intends to rely upon in the trial (ss7, 8 & 18 and Rules chapters II & III). These provisions of the 1973 Act bear similarity with the corresponding provisions of the ICTY and ICTR Statutes: ICTY Art 16 and ICTR Art 15: the prosecutor; ICTY Art 18 and ICTR Art 17: investigation and preparation of indictment.

(to be continued...)

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of whether they are rulers, public officials, or private individuals. Individual criminal responsibility regime is found in the four 1949 Geneva Conventions, which is reflected in the Statutes of the ICTY and ICTR. The ICTY (Arts 2 & 3) and ICTR (Art 4) Statutes have mandated these tribunals to exercise jurisdiction over individuals indicted for grave breaches of humanitarian laws of war. This responsibility has

of the 1973 Act is consistent with international criminal law.

Investigation and prosecution: The government is mandated to appoint one or more chief prosecutors or prosecutors to conduct the prosecution before the Tribunal. It may establish an agency to investigate the designated crimes. A prosecutor is competent to act as an investigation officer subject to investigation rules.

International women's day

8 March 2011 - marks the 100th anniversary of International Women's Day, which was observed for the first time in Austria, Denmark, Germany and Switzerland in 1911. The Day recognises that securing peace, social progress and the full enjoyment of human rights requires the active participation, equality and development of women. It also acknowledges the contribution of women to the strengthening of international peace and security.

For the women of the world, the Day's symbolism has a wider meaning. It is an opportunity to unite, network and mobilise for meaningful change. It is also an occasion to review how far they have come in their struggle for equality, peace and development.

The Gender Equality Index (GEI) by Social Watch is one tool used to measure this progress. It shows the recent evolution and trends in bridging the gap between men and women in education, the economy and empowerment. The GEI for 2009 (left) shows significant progress in the Latin America/Caribbean region, while South Asia has regressed the most. A country or region that attains a value of 100 is said to have complete gender parity.

The GEI makes clear that differences in income between countries are not directly correlated to gender inequity. Many poor countries have reached high levels of equity, while many wealthier ones continue to have huge disparities between men and women.

The theme of the Day for 2011 is "Equal access to education, training and science and technology: Pathway to decent work for women". Ensuring that women acquire necessary skills and competencies in science and technology in particular is not only an economic imperative, but also empowers women and girls and has positive effects on the well-being of their families, communities and nations.

Sources: United Nations Women Watch.