FLOSSK proposals for Government on Open Source Policy

March 2021

Prepared by FLOSSK members and friends

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Action 1

Create a policy that defines and expands the public material created by institutions under the public domain

Current situation
By law, all creative works created in Kosovo, unless stated otherwise, fall under copyright protection. However, Article 12 of the Law on Copyright lists some items excepted from this rule if they are created by the government.

Proposed change
Define a policy that puts most, if not all, government work or funded by government money in the public domain and this public domain notice is made clear in all such work, starting with government websites.

Justification and expected impact
Creative work created through the government budget has already been paid once by the public through taxes, therefore it should be given back to the public through a public domain policy.

Copyright terms as currently practiced are extreme as they expire 70 years after the death of the author and do not contribute to creation of new works, at the same time hindering sharing, cultural creativity which builds upon existing work, and education. We expect this policy to make more government-created cultural material available to the general public and to spur economic activity.

Cost and timeline
Minimal administrative cost to adopt and inform all government levels of the policy. There is no opportunity cost for the government.

1

Action 2
Procurement of Free/Libre and Open Source Software

Current situation
Kosovo is lacking in delivery of e-government services both to the citizens and to the public administration itself. Software projects are costly, are dominated by a few firms close to the political parties in power and are of low quality.

Proposed change
Government will adopt a policy which should lead to adoption of existing Free/Libre and Open Source Software (FLOSS) before building something from scratch or buying licenses. To this end, it will evaluate projects on the Total Cost of Ownership for a mid-term period (ex. 7-10 years) which will include lock-in costs, maintenance options etc. in the total cost of ownership. Government procurement authorities will also conduct stronger policing of selective/brand choice which is illegal according to procurement law.

Justification and expected impact
This policy will lead to more competitive procurement procedures both at the issuance of the tender and follow-on costs beyond the 3-year contractperiod allowed by the Procurement Law. It will reduce costs as software projects will be adopted and be built on from existing open source code.

In addition, it will help local economy and quality services as global grade FLOSS software already being built by firms with many years of experience has already been contributing to existing projects which are ready for the taking. In addition, these projects are more likely to have been tested for cybersecurity issues, reliability and to abide by open standards. In addition, even if current national suppliers are not able to deliver services around those software projects, they will be able to get themselves ready and win those contracts in the future since code will be open and available at any time. Furthermore, public administrations, especially fragmented ones like local governments, will be able to build applications once and share them with each other. This will lead to better value for taxpayer money, availability of higher quality software, specialization of local software firms, job creation and economic development.

Cost and timeline
Significant cost savings. Guidance will take a few months to draft and introduce.

2

Action 3

Opening software built for public institutions and publishing in a public repository

Current situation
There is no public policy to release code as free software nor it is implemented in practice.

Proposed change
Define a policy that puts most, if not all, software and underlying code funded by government money under a copyleft license available to the public.

Justification and expected impact
Software created through government budget has already been paid once by the public through taxes therefore it should be given back to the public through a software copyleft license such as GPL/AGPL.

Software made available will be available for others to work and improve in the future, including the government unit that procures it, and if others decide to improve on it, it could come back to the Government to be integrated and further improved on through bug reports and additional features. It will further allow for transparency which is a key requirement for government work, especially for algorithms which make decisions about citizens' rights and privileges such as security, healthcare, social services and taxation.

Cost and timeline
No cost. It will be implemented from the moment of adoption onward. For already existing software it will be implemented when possible.

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Action 4
Release of data created by public institutions as open data

Current situation
Agencies such as Cadaster and Meteorological Agencies produce important data about the life of citizens, however they are charged for by these agencies hindering use by the public and development of commercial products. Earnings from these products are minimal, ~50,000 EUR/year in the case of the Cadaster agency, which is a small percentage of the overall budget of the Agency. At the same time, the illegal use of these products is widespread.

The Government has adopted the Open Data Charter (https://opendatacharter.net/principles/) and installed an Open Data portal which is getting some use (https://opendata,rks-gov.net). In addition to the Copyright Law, the Law no. 06/L-081 on Access to Public Documents transposes to a certain extent the Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information.

Proposed change
Make all public institution produced or procured data widely available as open data placed on the public domain accessible in bulk and through APIs.

In addition, the Government will aim to score at least 90% on the Open Data Index by 2022.

At least the following datasets will be liberated as a result of this policy: Kosovo Spatial Planning Document, Municipality Spatial Planning Documents, Orthophotos, all data on the Geoportal, Land Parcel Identification System, and Hydrometeorological Measurements.

Justification and expected impact
Open data leads to more transparency, better public services for the citizens and more opportunities to build services upon them for citizens, NGOs, and businesses, leading to economic development and job creation.

Cost and timeline
A few tens of thousands per year of income in fees will be forfeited by the government. However, in the mid- to long-term it will lead to more activity in the private sector, more and better services for the citizens, and more transparency.

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Action 5

Purchase of textbook rights and publication under an open license

Current situation

Kosovo Ministry of Education buys textbooks per copy after having selected the text through a supposedly competitive process. Textbooks are of low quality and the procurement process does not lead to the best value for the money.

Proposed change

Procure the copyrights for the textbooks in a separate process from the printing procurement process. Make the textbooks available under a "Free Culture" license which allows sharing and further improvement by other authors as well while allowing for a separate procurement process for the printing. The Ministry should justify whenever this is not possible.

Justification and expected impact

Open educational resources (OER - ex. https://www.oercommons.org) is a new way to grow the educational commons and reduce the cost and increase the quality of educational materials including textbooks. More authors and translation of textbooks (OER) should lead to better quality textbooks allowing for continuous improvement, use of different formats such as e-books and lower costs in the mid- to long-term. This process when combined with a similar process in Albania allows for joint development of books.

Cost and timeline

Initially higher, lower in the mid- to long-term.

5

Action 6

Adoption of a free Operating System distribution for schools, inclusion of Free Software alternatives in the curriculum and adoption of Free Software stacks in public administration

Current situation

A recent large procurement of 12 million EUR for 3 years for operating systems and productivity software for public administrations has been run and failed which this time included software for the education system as well. Legality of software being used in the education system is not clear but we can assume some of it comes pre-installed with hardware and some is installed illegally. Commercial software contracts with any individual vendor grow more expansive, in cost and harder to leave over time as the lock in effect kicks in.

Curricula and books don't mention free software alternatives as an option limiting choice for students to those that they can't and afford or forcing them to use software illegally.

Proposed change

Instead of buying licenses, the government will invest in an operating system distribution suitable for educational settings.

Government will adopt a policy for all newly adopted software to be developed on open source stacks, be web-based and running on Linux. All backend systems will be moved to an open stack. Document formats shared with the public will be standards compliant. In the mid-term desktops in public administration will start moving towards a Linux desktop.

The government will also adopt a policy which presents FLOSS alternatives in the curriculum.

Justification and expected impact

Some of the 12 million EUR slated for software licenses will be invested in a free and open source software alternative. Investment will be used to create local jobs and support local businesses. Furthermore, some of the money will be used to translate software and help materials, and create excelled support services and training which are currently lacking. Initially, most schools will be provided with Linux installations, dual-booting with Windows if it is already legally installed.

Cost and timeline

Initially some of the costs will be shifted towards local firms in investment in extra support services which are nonexistent for the moment while in the long run there will be savings for the government budget.

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Action 7
FLOSS Policy

Current situation
There is currently no overarching government policy that enshrines the FLOSS principles in government although bits of it have been implemented in parts of government without strategic direction or coordination.

Proposed change
The Government will dedicate the necessary human, training and monetary resources to make the adoption of FLOSS policies suggested in this document possible, ex. through an Open Source Office.

The Government will use European Commission's Open Source Software Strategy 2020-2023*****, the New European Interoperability Framework******, the Open Data Charter, and various indices to guide its activity in this area with the aim of continuous progress, realizing that these documents are often the least common denominators and FLOSS is more economically favorable to Kosovo then to many European governments who have established commercial software industries.

Justification and expected impact
Overall direction and coordination should lead to prevention of double investment and speed up implementation.

Cost and timeline
Any extra staff will involve some costs which will be returned through great efficiency in implementation.

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* Communication To The Commission: Open Source Software Strategy 2020 –2023 Think Open. Brussels, 21.10.2020 C(2020) 7149 final

** New European Interoperability Framework: Promoting seamless services and data flows for European public administrations https://ec.europa.eu/isa2/sites/isa/files/eif_brochure_final.pdf

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ABOUT FLOSSK

Free Libre Open Source Software Kosova (FLOSSK) is a non-governmental organization based in Prishtina established in 2009 in order to support, promote and develop free and open source software, open and participatory knowledge, education in information technologies through open courseware, and open standards, culture and open society using free communication.

FLOSSK's most important projects are the international free software conference Software Freedom Kosova (SFK) and the space for experimentation in technology, arts and culture Prishtina Hackerspace. FLOSSK targets youth, students and IT professionals.

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