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Peruvian Lawmaker Takes On Microsoft

BY [KATHERINE GLOVER](#)

As national legislatures in at least three South American countries consider bills curbing public-sector use of Microsoft products, an exchange of letters between a Peruvian lawmaker and the company's top official in that country has attracted worldwide attention.

The exchange addressed Peruvian legislation, proposed last November and expected to pass this year, requiring all government agencies to use "open source" computer programs—software, such as the GNU/Linux operating system, whose underlying code is available to the user. Microsoft and other proprietary software makers, who keep their code private, would become ineligible for most government deals.

Juan Alberto González, general manager of Microsoft Perú, criticized the bill in a March 21 letter to Congressman Edgar David Villanueva Núñez, the measure's author. The bill, González wrote, "would only discourage local and international manufacturing companies that are undertaking important expenditures, creating a significant number of direct and indirect jobs and contributing to the GDP."

Villanueva responded April 8 with a 5,800-word letter that dissects the Microsoft case and argues persuasively that dependence on the U.S. software giant has stunted Peru's technological development. "Nothing in the text of the bill would prevent your company from offering government agencies [software] under the conditions defined in the bill," he added, referring to open source requirements. "Given that a democratic state must support these principles, it has no choice but to use software with publicly available source code."

Translated into six languages, Villanueva's epistle has boosted the open source movement. Villanueva "successfully debunks every argument against open source software we've heard so far," says Federico Heinz, a computer programmer who directs the nongovernmental [Fundación Vía Libre](#) (Free Path Foundation) in the central Argentine city of Córdoba.

Known in Spanish as *software libre*, open source programs enable any computer programmer to fix or adapt their code. Proponents of such software say selling a program without releasing the code is like selling a car with a lock on the hood, but no key, and requiring the new owner to visit the dealer for even the simplest



English and Spanish versions of Edgar David Villanueva Núñez's letter and bill appear at the [Open Source Initiative](#), a nonprofit certifier of software 'for the good of the community.'



The [GNU Project](#) has developed a complete operating system, pioneering 'copyleft' principles that keep software code open.



debian

The nonprofit [Debian](#)

repair. The software makers can charge whatever they want and they have little incentive to provide quality service. And should proprietary software be vulnerable to e-mailed viruses or other security breaches, there's no way to prove the company's responsibility or even the problem's existence.

Proprietary software may also contain "spyware"—components that collect information about the users without their knowledge or consent and send the information to the software manufacturer or a third party. Microsoft deploys spyware to make sure users aren't pirating the company's programs. Other corporations use spyware to track user habits and supply commercial interests with a stream of marketing information. Spyware is easy to detect when users can see all the source code.

Obtaining open software usually costs nothing. The expense is setting it up; it generates work for local computer programmers. Proprietary software, in contrast, is licensed to users for a fee, sometimes annually, and the upgrade expenses never end.

As its rationale, the Peruvian bill cites three factors. The first is a program's lifespan, which is shortened when the government has no ability to repair or update the source code. Proprietary software enables a company to compel new purchases by pointing out that eventually no one will know how to use or fix previous versions.

The second factor is public information access. "The citizen has a legitimate right to know, for example, how his vote is computed or his taxes calculated," Villanueva wrote.

The third is state security. "It's indispensable to be able to rely on systems without elements that allow control from a distance or undesired transmission of information to third parties," Villanueva wrote. This factor has led agencies ranging from the German Defense Ministry to the U.S. National Security Agency to explore nonproprietary options.

In Argentina, most large public offices are using open source software already. And a law in the Brazilian state of Rio Grande do Sul favors open source options.

In Mexico, when President Vicente Fox Quesada took office in December 2000, he pledged that 90 percent of Mexicans would have Internet access by the end of his six-year term through e-Mexico, a project he planned to initiate. Mexican open source activists saw the project as an opportunity to develop a homegrown software industry and immediately offered their services. But Fox turned his back and instead accepted multimillion-dollar donations from Microsoft, which pledged to pay for training thousands of computer technicians, and from the Bill and Melinda Gates Foundation, which promised to bring the country's 6,000 libraries online using Microsoft products.

A movement in Mexico is demanding a law requiring e-Mexico to use open source programs. Arturo Espinosa Aldama, a consultant in Mexico City for the Boston-based software company Ximian, says the stakes are high: "Free software allows us as Mexicans to turn the rules around completely and change from a model where we import foreign technology and export base materials to one where we ourselves can provide the tools for our own needs."

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