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À PROPOS DE NOUS

La **Revue Internationale des Gouvernements ouverts (RIGO)/ the International Journal of Open Governments** est une revue universitaire créée et dirigée par Irène Bouhadana et William Gilles au sein de l'IMODEV, l'Institut du Monde et du Développement pour la Bonne Gouvernance publique.

Irène Bouhadana, docteur en droit, est maître de conférences en droit du numérique et droit des gouvernements ouverts à l'Université Paris 1 Panthéon-Sorbonne où elle dirige le master Droit des données, des administrations numériques et des gouvernements ouverts au sein de l'École de droit de la Sorbonne. Elle est membre de l'Institut de recherche juridique de la Sorbonne (IRJS). Elle est aussi fondatrice et Secrétaire générale de l'IMODEV.

William Gilles, docteur en droit, est maître de conférences (HDR) en droit du numérique et en droit des gouvernements ouverts, habilité à diriger les recherches, à l'Université Paris 1 Panthéon-Sorbonne où il dirige le master Droit des données, des administrations numériques et des gouvernements ouverts. Il est membre de l'Institut de recherche juridique de la Sorbonne (IRJS). Il est aussi fondateur et Président de l'IMODEV.

IMODEV est une organisation scientifique internationale, indépendante et à but non lucratif créée en 2009 qui agit pour la promotion de la bonne gouvernance publique dans le cadre de la société de l'information et du numérique. Ce réseau rassemble des experts et des chercheurs du monde entier qui par leurs travaux et leurs actions contribuent à une meilleure connaissance et appréhension de la société numérique au niveau local, national ou international en en analysant d'une part, les actions des pouvoirs publics dans le cadre de la régulation de la société des données et de l'économie numérique et d'autre part, les modalités de mise en œuvre des politiques publiques numériques au sein des administrations publiques et des gouvernements ouverts.

IMODEV organise régulièrement des colloques sur ces thématiques, et notamment chaque année en novembre les *Journées universitaires sur les enjeux des gouvernements ouverts et du numérique / Academic days on open government and digital issues*, dont les sessions sont publiées en ligne [ISSN : 2553-6931].

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2) la *Revue internationale de droit des données et du numérique (RIDDN)/International Journal of Digital and Data Law* [ISSN 2553-6893].

ABOUT US

The **International Journal of Open Governments / Revue Internationale des Gouvernements ouverts (RIGO)** is an academic journal created and edited by Irène Bouhadana and William Gilles at IMODEV, the Institut du monde et du développement pour la bonne gouvernance publique.

Irène Bouhadana, PhD in Law, is an Associate professor in digital law and open government law at the University of Paris 1 Panthéon-Sorbonne, where she is the director of the master's degree in data law, digital administrations, and open governments at the Sorbonne Law School. She is a member of the Institut de recherche juridique de la Sorbonne (IRJS). She is also the founder and Secretary General of IMODEV.

William Gilles, PhD in Law, is an Associate professor (HDR) in digital law and open government law at the University of Paris 1 Panthéon-Sorbonne, where he is the director of the master's degree in data law, digital administration and open government. He is a member of the Institut de recherche juridique de la Sorbonne (IRJS). He is also founder and President of IMODEV.

IMODEV is an international, independent, non-profit scientific organization created in 2009 that promotes good public governance in the context of the information and digital society. This network brings together experts and researchers from around the world who, through their work and actions, contribute to a better knowledge and understanding of the digital society at the local, national or international level by analyzing, on the one hand, the actions of public authorities in the context of the regulation of the data society and the digital economy and, on the other hand, the ways in which digital public policies are implemented within public administrations and open governments.

IMODEV regularly organizes conferences and symposiums on these topics, and in particular every year in November the Academic days on open government and digital issues, whose sessions are published online [ISSN: 2553-6931].

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The Useful Open Government Researcher

by **Joseph FOTI,** Program Manager, Independent Reporting Mechanism – Open Government Partnership, USA

Greetings all, and welcome to the Academic Days, alongside the OGP global summit[1]. Many thanks to the organizers. My name is Joseph Foti and I work for the Open Government Partnership's Independent Reporting Mechanism, which keeps count of the thousands of actions – big and small – that governments undertake as part of their action plans. That puts me in an interesting place between information gathering and understanding some of the broader strategic and theoretical aims of the movement toward open government.

Much has changed since I was first invited to give this talk. Some of the assumptions we've made have been turned upside down and each day brings with it surprises, including in our host country, France.

In these times of fake news, referendums, and so-called "post-truth politics" I want to make sure we know that we are working towards a common goal, in moving to more effective, responsive government and a more engaged public, whether that is through openness or other means. With the challenges of today's world, I am left with two requests for you.

The first request is about the questions we ask and the evidence we pursue.

The second is about the theory we develop and how it can help to paint a vision or draw a roadmap to more open, pluralistic societies.

I know with a room full of brilliant independent minds, I am courting disaster in doing this, but I want to try to lay out a research agenda that I believe, if you take part in, can take us to the next level with regard to Open Government. But first, let me pause before going on to a research agenda.

I want to tell you about my personal interest in this agenda, because I believe an openness and democracy agenda is an anti-poverty agenda, a dignity agenda, and human rights agenda.

For nearly five years, I was a public-school teacher in Baltimore, Maryland. Many of you know the city as Washington, DC's down-on-its-luck blue-collar step-sister. A city plagued by violence, rows of abandoned houses, lost lives, and lost young people.

Most recently, it made the news when a young man, Freddie Gray died in police custody. In the neighborhood where I taught, when

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[1] This article stems from a speech deliver during the opening ceremony of the Academics Days on Open Government Issues,at the Sorbonne, on December, 5, 2016.

officers involved in the death were acquitted last year, riots broke out. For some, this was a primal expression of angst and anger, to others, the sign of rising chaos and lack of police authority. To me, it was the undirected rage of so many for whom access to justice is an abstract ideal at best and a cruel joke to many. For many young men and women for whom, life's outcomes seem largely arbitrary, and fate rests at the hands of the state, at being stopped by the police, at making that one wrong life decision. Getting meaningful access to education, to the levers of power, to control over your fate can be so difficult. And it is so easy to cast judgments and to get lost in the technicalities of service delivery or policy. I am reminded of a fantastic quote by the Belgian Director Jean-Pierre Dardenne:

> "People at the margins of society live in such a state of nakedness, of material nakedness that necessarily, their gestures take on a moral value, the moral repercussions of their acts are more readily visible. If, for example, you have four people and one glass of water and the people have to share that glass of water, then the question is: who's going to drink it and will they drink it all by themselves or will they share it with the others?"

It is in this context that powerless translates into sometimes rabid expressions of autonomy: Anger, looting, and burning.

But it doesn't need to be this way.

For those five years, I taught math, leadership and civics, ultimately at a school called the Baltimore Freedom Academy, modeled on the "street law" Freedom Schools of Mississippi during the civil rights movement of the 1950s and 1960s. It was my hope that, by understanding city government, by understanding the economy, by being able to judge the world and the media they watched, the young people of Baltimore would be able to take their own personal frustrations and channel them constructively, through politics. I had an amazing job in that it was my job to teach people how to engage in live, living civics. We did surveys of neighborhood pollution, surveyed people on the street about the job market and how international trade affected them, learned to develop advocacy campaigns, and wrote letters to congress, many of which received replies.

Those students are now in their mid-20s. Were they successful? The city they live in has certainly improved by many metrics. Some of them have gone on to become successful workers—educators in their own right, business people, and social workers. This is something. And to the extent that their posts on Facebook are any indicator, a significant number have gone on to be critical thinkers as well.

As with any teaching endeavor, as I am sure many of you are familiar with, I will never know what my aggregate impact was, whether another person could have done my job better or if any of the positives I can observe were attributable to my work.

What I did learn is that even in the poorest neighborhoods, civil rights are put to test on a regular basis, the ability to participate in government, to be a full and equal citizen trickles into every element of people's being—whether they are masters of their own destiny and what their options are—what Amartya Sen calls capabilities.

Again, as we have been reminded time and again, if an open government movement is to be successful, it must judge itself on the extent to which it helps to remove not just the material conditions of poverty, but also the psychological bondage of powerlessness.

§1– GEOPOLITICS AND OPEN GOVERNMENT

But this isn't a technocratic exercise to be carried out through technical assistance grants and perfectly executed hackathons. The vision of a more open and inclusive society has its opponents.

In a certain sense, the countervailing narrative, which we have seen grow in the last few months and years, comes from a similar sense of frustration with "rot at the top" and declining trust in institutions. In many developing countries, this is hardly new. "We don't need transparency or open data to tell us that we are being robbed," many would say.

But out of this frustration, there are two clear and distinct sets of solutions. One set of solutions bends toward majoritarianism and narrow nationalism, toward closed societies, rejection of old institutions, and in some of the worst cases, authoritarianism.

The other, which my organization, the Open Government Partnership is a part of, aspires to be a countervailing force. Our vision of a world—and I hope it is yours as well—is a world where:

– The local, national and the global enhance one another. It builds off the best aspects of globalization and strives for ever better solutions where that globalization has fallen short. We encourage a community of people who are not afraid to experiment to discuss and to fail, pick yourself up, and try a different approach.

– Our world is one where there is ever-increasing inclusion and diversity of people, interests, and ideas. We envision a marketplace of ideas with deliberation, dialogue, and collaboration between citizens and between citizens and their government.

– We believe that, over the long run, understanding how policy affects our lives and that governments are responsive to public inputs and mutual trust coupled with healthy public oversight will grow.

So that's our vision. Parts of it are based on emerging facts, some parts still remain matters of faith and principle. And that's where we pivot to your job.

You in this room – whether you are practitioners, curious officials, members of think tanks, journalists, post-graduate students or professors – have a role to play.

As I said before, the first is to gather evidence, to question shibboleths, and the second is to work out how this agenda moves forward, to generate that mid-level theory that sociologists talk about.

§ 2 – YOUR ROLE IN EVIDENCE GATHERING

I've laid out the idea that there are two movements in this world. Each has its own set of facts, it seems. Falsehood and distortion are not the sole monopoly of either side. We are told that people do not make their decisions based on facts. Rather they make their decisions on tribe, on gut.

I think this obscures an important difference between these two movements. Ultimately, policy as practiced is some combination of what works and what we take as matters of faith and ideology. Fine. I think we can all accept that no matter how rational and empirical we all suppose ourselves, we still must economize on how much we can be an expert in everything and make choices based on party and ideology. Living in a complex representative democracy requires this of us.

But there is an imbalance, beyond ideology and facts, which is tipping the balance away from a deliberative, evidence-based policy making in a new way. That is the role of demagoguery and fake news. This is not the time for false equivalences.

Rather, it is the role of you in this room and your colleagues outside to redouble efforts to inform, and educate. We the people who are gathered in this room, I hope, have a real dedication to empirics. We in this room have a duty not to retreat from facts or to confuse the role of describing objective reality with the duty to make interpret—to turn facts into knowledge. We live in large-scale, complex, and differentiated societies. The world needs your work more than ever.

So, I make a pledge to you on behalf of my colleagues who work at OGP and, I believe, the Steering Committee governments and civil society members. If you find things that are ideologically difficult, we won't shy away. Say for example, you find, "Open government works, but only under these circumstances," or "open government does not improve trust in government," or "OGP only empowers elite organizations." We will do our best to take in your findings, adapt our strategy, accommodate robust findings. We want to be the best we can possibly be, to contribute as much as we can, not to ignore facts. We wish to adapt and thrive, rather than ossify and slip into irrelevance.

§ 3 – THEORY AND NARRATIVE

This brings me to my second main point. I imagine some of you already thought of it when I spoke earlier. If facts are only a

minor part of how people make decisions, then much of what we consume and make our decisions on are myths, the second or third derivative of theory. The role of most of us in this room is not to invent those myths, but it is to point out the constellations in a crowded firmament—where knowledge has not yet become narrative.

This is where we as a community have room to grow. We need to offer a compelling narrative. It's not necessarily your job to develop that narrative, but I don't want us to shy away from theory and from big, evidence-based claims.

And specifically, I think there are some research questions that have already been answered adequately, and, at the risk of tempting contrarians in the room, I want us to collectively declare victory and to move on. To quote Copernicus, "To know that we know what we know, and to know that we do not know what we do not know, that is true knowledge."

At the risk of committing the strawman fallacy, I want to lay out three broad platitudes that we can do with less of today in open government research:

Different groups define open government differently

There is no shortage of papers on varying definitions of open government and the debates and perspectives around this—the technology angle, the accountability versus efficiency constituency. I will argue that this mapping of the terrain has been largely successful. We now need to move beyond discursive analysis to the work of laying out when discourse translates into results.

Politics is important to open government

I don't want to disparage the work that has been done to re-politicize open government. But it has become a platitude at this point. Rather, I want to suggest that the way that the question has been asked is operating at the wrong level of detail.

Civic space is important

Again, we know that for open government to work well, we need intermediaries to translate information, mobilize members of the public to participate, and to hold officials to account. To do this, they need real the space to operate.

Each of these pieces of wisdom, perhaps, was not considered wisdom a few years ago. Rather, they were considered "outside" perspectives or annoying naysayers. Now they are received wisdom and that can only be a good thing. But to make them truly operational, more than platitudes, if we will make a difference on the ground, we must move deeper into understanding what they really mean in an operational level.

So, let's map the frontier. Mind you, my view of the frontierTo do this, I think we need to go back to the initial idea vision that I

offered. The operational words here are pluralism and deliberation.

To wit, OGP offers up a world where there varied and conflicting interests can enter into a contest of ideas in the public space, where governments give reasons for their decisions, and where the public is held accountable.

But to get there, we need a more critical eye to how open government works. At its fundament, we are talking about association. How do organized interests improve society by having more channels to participate in, to hold officials accountable through?

I have first a few immediate recommendations or requests, to be followed by a few open-ended questions that I think we need to spend a few years answering as a community.

First, the requests.

We need a more nuanced portrait of civil society. We need to be able to construct a narrative with a broad definition of civil society--from the temples to the chambers of commerce, from the labor unions to the individual energized activist, or from the village collective to the donor-funded think tank. We need to understand better the interplay of civil society and government, but under broader conditions. In my country, we have nearly 1 million legally recognized organizations. This does not include churches, lobbying organizations, or the millions more informal associations who do not have income, revenue, or employees.

Second, we need to understand how this civil society, in all its complexity, interacts with international processes like OGP. And let's be realistic. The farmers' cooperative 700 miles from the capital will not likely engage in OGP in a sustained meaningful way without the right intermediaries. But when, and how does such an interest group, so far from the capital engage in an initiative like OGP? What is a realistic and can be expected in an operational sense?

Forgive me for the long quote, but I thought Martin Tisné did a great job in explaining the trickiness of these issues in his recent blog post. He speaks of open data, but I think it applies equally well to the many channels for participation and levers of justice that the open government movement has fostered:

> "… the open data sector is starting to focus on understanding who is interested in the information in the first place and honing their data releases to those needs, rather than just blanket releases. Many will see that this as anathema, arguing that users alone are best placed to know what their needs are, and that the only way to get to those users is to let the 'invisible hand' of data works its magic. But the reality is that data hasn't magically found its users. The armies of armchair auditors foretold by former Cabinet Office Minister Francis Maude did not come to be. The 'Here Comes Everyone' theory of citizens mounting the barricades with smartphones auditing government expenses turned out to be the 'Here

Come the NGOs' working for, but distinct from, those very same citizens. Of those early 63 early examples, the most impactful were the professional organizations that wrangled with the data and turned it into information that could and would lead to social change."

Martin echoes the observations of the dozens of IRM researchers who have evaluated nearly 2000 commitments. We need to better understand how civil society, and expecially professionalized nonprofits work through open governments in a wider context.

Here, the critics of open government and of association raise a few points that I think we have not gotten through as a group. We need to have ready, credible answers, and I feel that the community as a whole, does not. They include:

– What is the role of professional civil society organizations when there are weaknesses in the fundamental institutions of a republic—the lack of checks and balances, weak oversight by parliament or the judiciary, ineffective decentralization?

– When does foreign funding undermine the credibility and efficacy of the reformers?

– Do associations have an obligation to represent the public? Which aspect of the public? Does the professionalization of some parts of civil society (the part we most often deal with) sacrifice its ability to represent others' views?

– Doesn't pluralism lead to the victory of the loudest voices in the room?

– Doesn't open government introduce even more veto points into already slow government processes?

– What is the role of open government and non-partisan activity in the absence of a stable state or in the case of a predatory state?

– What is the interaction between organized interests using open government and a professional, impartial bureaucracy? What about when that bureaucracy is absent?

For many of these questions we may have the tacit understanding, but we haven't taken the time to collectively communicate about these blind spots and come to a shared language about possible answers. For others, we genuinely do not know the answers. And, for still others, we may have sneaking suspicions about the answers, but as a community, we are afraid of the implications should we investigate them.

It is this last category that for which we need exercise a collective bravery. This community does not grow stronger through consoling itself with meditative mantras, tautologies that "open is better" and "better is open". Rather, it is a community which is improved by airing its shortcomings and working collectively, in an oft-decentralized fashion, to arrive at a newer, better model. We can "fail forward," be the "bazaar" instead of the "cathedral," or whichever hip Silicon Valley phrase we want to use to give the sense that we are not made weaker by adjusting the model.

As I stated at the beginning of this speech, there is fundamentally an element of faith that I bring to this movement and to my life's work. I assume the same is true of many of you. At the same time, there is a call for evidence. In the development world, this often means a call for randomized control trials. But I, for one, know that we want to do more than small projects. We are hoping to fundamentally change the way the public views their government and the social contract. To do that, we need you to do more than scattered randomized control trials; we need you to help draw the picture of the society we hope to live in through better understanding of the one that we do.