



## Official Program

Sous la direction de Irène Bouhadana et William Gilles  
*Under the direction of Irene Bouhadana and William Gilles*



# MONDAY/LUNDI 5 DEC. 2016

ACADEMIC DAYS ON OPEN GOVERNMENT ISSUES PARIS   5 & 6 déc. 2016									
Centre Panthéon Salle 1		Sorbonne Amphithéâtre Ouy (Gestion)		FIE Salle du Théâtre	FIE Salle 2	Bibliothèque CLUAS Salle de conférences	IRJS Salle des Séminaires	IRJS Salle des Professeurs	Sorbonne Salle D-632
8h30		Cérémonie d'ouverture / Opening Ceremony Accueil : 8h30 Ouverture : 8h00							
10h40									
11h00				Smart Cities & Open gov.	Algorithmes, Mathématiques & Gouv. ouverte	Brexit & Open Gov.	Open Contract	New Media, and Citizen Collaboration	Open Justice 1/2
12h30		Repas / Lunch							
13h20				Citizen Participation and Collaboration in Latin America	Post-conflict & Open Gov.	O Governo Aberto no Brasil	Open Contract		Droit au respect de la vie privée
14h00									
15h00		International Institutions & Open Gov. 1/2		Citizen Participation and Collaboration in Europe	Open Data, Open Gov & santé	Tax Law & Open Gov.	Gender and Women & Open Gov.	Cybercriminalité & Gouv. ouverte	
16h00									
16h40		International Institutions & Open Gov. 2/2		Freedom of Speech & Open Gov.	Fracture numérique & Open Gov.	Systèmes économiques & Gouv. ouverts	Gouvernance de l'Internet & Gouv. ouverts		
18h00									

Lundi 5 décembre 2016 / Tuesday, 5 December 2016

Inauguration / Opening Session

- [Université Paris 1 Panthéon Sorbonne - Centre Sorbonne, Amphithéâtre Gestion - entrée par le 14 rue Cujas - 75 005 PARIS](#)

Tables rondes / Round Tables

- [Université Paris 1 Panthéon-Sorbonne - 12 place du Panthéon - 75 005 PARIS](#)
- [IRJS - Institut de Recherche Juridique de la Sorbonne - 4 rue valette - 75 005 PARIS](#)
- [FIE - Foyer International des Étudiantes - 93 boulevard Saint-Michel - 75 005 PARIS](#)
- [Bibliothèque interuniversitaire Cujas - 2 rue Cujas - 75 005 PARIS](#)

# Cérémonie d'ouverture / Opening Ceremony

**Salle / Hall :** Sorbonne - Amphithéâtre Oury (Amphi Gestion) – 14 rue Cujas 75005 Paris

**Horaire / Schedule :** 8h30: Welcome/Accueil

9h00 – 10h40: Opening Ceremony

**Langue / Language :** Français/Español/English/Português

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## **Irène Bouhadana & William Gilles**

Associate Professor at the Sorbonne Law School (University Paris 1 Panthéon-Sorbonne),  
Director of the master Digital Law, eGovernment and Open Government of the Sorbonne  
Law School,  
Secretary-General of IMODEV

&

Associate Professor (HDR) at the Sorbonne Law School,  
Director of the Chair of the Americas, University Paris 1 Panthéon-Sorbonne,  
President of IMODEV.

- Words of Welcome.

## **François-Guy Trébulle**

Director of the Sorbonne Law School

## **Yann Toma**

Professor at the University Paris 1 Panthéon-Sorbonne,  
Director of the Art&Flux research team (Art, Diplomacy, Innovation),  
Delegate of United Nations Academic Impact's Global Hub on Human Rights,  
Delegate for the Paris 1 Panthéon-Sorbonne - Focal Point of the Academic Impact of United  
Nations.

## **Joseph Foti**

Program Manager for the Open Government Partnership's Independent Reporting  
Mechanism (IRM)

## **Laure Lucchesi**

Director at Etalab, French Prime Minister's task force for Open Data, Open Gov and Data-  
driven transformation

## **Irène Bouhadana & William Gilles**

Rapport Introductif : de l'Esprit des Gouvernements Ouverts  
*Introductory Report: The Spirit of the Open Governments*



# Smart Cities & Open Gov.

**Salle / Hall :** FIE - Salle du Théâtre

**Horaire / Schedule :** 11h00 - 12h20

**Président de séance :** Fabro Steibel (Instituto de Tecnologia & Sociedade do Rio de Janeiro)

**Langue / Language :** English

Open government is coming to cities. Not only the sub-national pilot programme has brought cities to OGP, as well as smart city enterprise are challenging the role of open government in urban spaces.

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## **Speech 1. Circular Cities in a Digital World: Governance Implications** Teodor Kalpakchiev - Collège d'Europe (Bulgarie)

*The paper will review the role a Circular Economy would play both in cities situated in developed and developing countries. It reviews the macro cycle of the Circular Economy which relates to optimization of urban flows, data collection and improvements to participatory governance on the local level. It then reviews horizontal and vertical governance instruments and forums, where best practices can be exchanged in an attempt to answer which would be more effective.*

## **Speech 2. Smart Cities and Open Government** Fabro Steibel - ITS Rio / OGP IRM (Brésil)

*Open government is coming to cities. Not only the sub-national pilot programme has brought cities to OGP, as well as smart city enterprise are challenging the role of open government in urban spaces.*

## **Speech 3. Sao Paulo in the Digital Age: Legal and Institutional challenges** Eduardo Tuma - PhD. Senior Professor, Faculdades Metropolitanas Unidas, City Councilman of Sao Paulo (Brésil)

*Sao Paulo, Brazil, with its more than 12 million inhabitants, is a good habitat for the anthropological research of the chronic problems of people living in megalopolis. In some ways, modern technological facilities give the population inaccessible utilities to the most privileged social classes of the past. This is intensified in the current digital age where the city each passing day becomes more automated. Automation should be in favor of population and urbanization, and not against it. People are entitled to smart cities and at the same time must be protected against predatory automation. The challenge of modern legislator is to be able to interpret this new social and virtual reality and legislate in favor of a holistic citizenship, including the ecological citizenship.*

**Speech 4. Open Approaches for Smart Government - Impulses from Germany** Jörn von Lucke - Prof. Dr., The Open Government Institute, Zeppelin University Friedrichshafen (Germany)

*Increasing numbers of devices are equipped with sensors, actuators and communication units. These smart objects interact with humans as well as with each other. If they are embedded in more complex, so-called cyber-physical systems (CPS), they can, often via apps, be accessed remotely and initiate processes, e.g. in smart homes. CPS intelligently network real and virtual objects and thereby become self-controlled ecosystems that not only assist in providing and analyzing information but also automatically steer and control processes. Governments need to adapt to these changes and become smart governments, but in an open, transparent and collaborative way. Then they will be capable of using the new possibilities of smart objects and CPS in the Internet of Things and the Internet of Services for an efficient and effective execution of public tasks. The presentation will provide definitions and first visions for smart government, important remarks for an open government approach (based on open data, open standards and open interfaces) and insights to examples from Germany like the citizen-orientated "Zukunftstadt Ulm".*

**Speech 5. Dubai Smart City** Khalid Al Razooqi - Director General of Smart Services Department, Dubai Police

Dubai is considered one of the fastest cities when it comes to growth and smart transformation and this all goes back to the fact of having a solid strategy that turned Dubai into a smart city and having all government, semi-government entities contribute & be part of this transformation. Dubai police is considered one of the prominent sectors that played a viral role through its 2016-2021 smart transformation and have executed multiple initiatives for Dubai to become a safe environment by providing secure online services.

**Speech 6. Implementation of Smart Cities in Developing Countries** Mkhize Hlengiwe - Deputy Minister, Department of Telecommunications and Postal Services (South Africa)

*Cities are becoming smart not only in terms of the way we can automate routine functions serving individual persons, buildings, traffic systems but in ways that enable us to monitor, understand, analyse and plan the city to improve the efficiency, equity and quality of life for its citizens in real time. This is changing the way we are able to plan across multiple time scales, raising the prospect that cities can be made smarter in the long term by continuous reflection in the short term.*

*A Smart City should enable every citizen to engage with all the services on offer, public as well as private, in a way best suited to his or her needs. It brings together hard infrastructure, social capital including local skills and community, institutions, and (digital) technologies to fuel sustainable economic development and provide an attractive environment for all.*

# Algorithmes, Mathématiques & Gouv. ouverts

**Salle / Hall :** FIE - Salle 2

**Horaire / Schedule :** 11h00 - 12h20

**Président de séance :** Carlos N. Bouza-Herrera (*Professeur, Université de la Havane*)

**Langue / Language :** Français/Español

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**Speech 1. Some thoughts on the use statistical sampling in legal research** Carlos N. Bouza-Herrera - Professeur, Habana Universidad

Much of legal research is based on discovering facts through analyzing a lot of papers. Electronically Stored Information (ESI) poses issues on using data stored electronically. With the increase of data volumes, a need of reducing costs, without violating the accepted assumptions poses urgently mid changes in the law firms. The reduction of costs should not be solved by using “low-cost lawyers”. This paper discusses on the use of Technology Assisted Review and Statistical Sampling for retrieving information and some examples are discussed for illustrating.

**Speech 2. Danièle Bourcier, Directrice de recherche au CNRS (France)**

**Speech 3. Paúl Oswaldo Sarango Lalangui, Professeur, Universidad Técnica Particular de Loja (Équateur)**

# Brexit & Open Gov.

**Salle / Hall :** Bibliothèque Sainte Barbe - Amphithéâtre

**Horaire / Schedule :** 11h00 - 12h20

**Président de séance :** Dr. Ben Worthy (*Professor, Birkbeck - University of London - United Kingdom*)

**Langue / Language :** English

How will Brexit influence the UK's transparency regime and how, in turn, will openness shape the UK's Brexit process? There are three ways of looking at how Brexit may influence open government in the UK: through possible changes to old policies and pushing new ones, the influence of the new Prime Minister on championing transparency or supporting secrecy and the openness of the Brexit process itself, which so far has seen a struggle between the executive's secretive prerogative powers and the legislature's rights to know.

***This 40-minute presentation will be followed by a discussion with the participants.***

More information on this subject : <https://opendatastudy.wordpress.com/2016/07/14/brexit-and-open-government-in-the-uk/>



## Open Contact [FR]

**Salle / Hall :** IRJS - Salle des séminaires

**Horaire / Schedule :** 11h00 - 12h20

**Président de séance :** Pierre Bourdon (Professeur – Université du Mans)

**Langue / Language :** Français

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**Intervention 1. Présentation du cadre général Pierre Bourdon – Professeur - Université du Mans (France)**

**Intervention 2. La commande publique augmentée par la donnée au service du pilotage des politiques d'achat : de la théorie à la pratique Céline Faivre - Directrice des affaires juridiques et de la commande publique du Conseil régional de Bretagne (France)**

*En Bretagne, l'ouverture des données essentielles de la commande publique se matérialise par l'observatoire régional de la commande publique dont l'objectif est de rendre visible et lisible la commande publique par anticipation des obligations réglementaires et d'interroger la pertinence des politiques d'achat et la performance de l'action publique.*

*Poursuivant un objectif de transparence, l'observatoire régional de la commande publique est un outil dynamique de pilotage de la politique d'achat basé sur des mécanismes d'automatisation de la collecte et de la publication des données. Il permettra de réaliser, en temps réel, une cartographie des achats afin, par exemple, de définir des stratégies d'achat ciblées par filières.*

*Le champs des possibles est vaste mais le chemin à parcourir encore très long ...*

**Intervention 3. L'open contract, nouvelle étape dans l'amélioration de la commande publique Vincent Lemaire - Doctorant, Université Paris 1 Panthéon-Sorbonne**

*La commande publique se positionne au cœur de l'action publique, mais également concentre des impératifs financiers et de pourvois des besoins publics. Ainsi, les efforts de ces cinquante dernières d'années entendent trouver un nouveau point d'orgue dans la vigilance à l'endroit de la commande publique au travers de l'idée de l'open contract. Outre simplement poursuivre la rationalisation des contrats publics par leur légalité et leurs procédures, il s'agit de définir les moyens d'associer l'open data à la commande publique. Ce faisant, la recherche d'une vision proactive du contrat public met en son cœur, la stratégie de l'open contracting laquelle entend ainsi intégrer les données publiques au cœur du processus de contractualisation publique. Partant, il s'agit d'une part, de rationaliser les contrats publics au travers des standards de la donnée publique, en arrêtant les formes communes du contenu des contrats publics et mettant*

en donnée le contenu même de chaque contrat. D'autre part, il s'agit par-là également, de systématiser une meilleure visibilité – ou transparence – des contrats publics à l'égard de l'ensemble des acteurs de la commande publique. Par suite, entend-on de permettre par cette observation de donner les moyens de la critique constructive, afin de promouvoir l'innovation du contrat public, que celle-ci procède de l'analyse du procédé contractuel ou de l'analyse des choix engagés dans chaque contrat.

**Intervention 4. Droit de l'innovation publique: retour d'expérience sur une stratégie d'achat public et d'innovation juridique au service de la constitution des biens communs numériques du droit** » Thomas Saint-Aubin - Délégation à l'innovation, au développement et à la stratégie, DILA (France)

**Intervention 5. L'ouverture et la transparence des contrats publics : un renforcement nécessaire à l'égard du citoyen** Joeffrey Rambintsoa - Responsable des achats IT, du contrôle de gestion et de l'optimisation des moyens (chef de bureau), Ministère de l'Intérieur (Direction des systèmes d'information et de communication) (France)

*Par principe, les documents relatifs aux contrats publics sont considérés comme communicables dès la signature des contrats au titre de la loi no 78-753 du 17 juillet 1978 portant diverses mesures d'amélioration des relations entre l'administration et le public. Aussi, ces documents sont communicables à toute personne en faisant la demande. Cette obligation de communication et de transparence connaît néanmoins certaines exceptions inhérentes au secret industriel et commercial (par exemple, le conseil d'Etat a récemment rappelé le non communication des bordereaux de prix unitaires - Conseil d'Etat, 30 mars 2016, N° 375529, Centre hospitalier de Perpignan) ou au caractère sensible des données.*

*Ce principe de communication des données contractuelles de la commande publique est renforcé par l'obligation de transparence exigée des acheteurs publics dans le cadre de la commande publique.*

*L'article 1er de l'ordonnance n° 2015-899 du 23 juillet 2015 relative aux marchés publics pose ainsi le principe de transparence des marchés publics. Découlant des traités européens, ce principe s'inscrit dans une grande continuité de textes (code des marchés publics de 2001, 2004 etc...), de jurisprudence (CJCE, 7 décembre 2000, affaire C-324/98, Telaustria et Telefonadress) et conduit l'action publique en matière de commande publique. La réglementation a ainsi mis en place de nombreuses obligations en application de ce principe (obligation de publicité, information des critères d'analyse, obligation de transmission des lettres de rejet avec les motifs de rejet aux candidats évincés etc..). Néanmoins, ces obligations ont toujours plutôt visé à garantir la libre concurrence que la bonne information du citoyen.*

*En synthèse, si les principes juridiques permettant la transparence et l'accès à la donnée existent, l'information reste insuffisamment structurée et aisément accessible pour permettre garantir une véritable transparence au citoyen.*

*Cet objectif de transparence à l'égard du citoyen devrait tout d'abord porter sur toute la phase préalable à la passation des marchés et la passation elle-même (information sur les motifs de choix du recours à la commande publique (externalisation plutôt qu'internalisation), indication des grands projets à venir de l'Etat, information sur les grands jalons des procédures en cours etc.). Ensuite, il devrait porter sur toute l'information inhérente à la contractualisation et l'exécution (à l'exemple du site américain usa spending, le citoyen français devrait pouvoir visualiser précisément l'utilisation des deniers publics en temps réel).*

*Ainsi, l'enjeu pour la France est aujourd'hui de réorienter toutes les informations de la commande publique vers le citoyen. Cette réorientation serait à même de garantir au citoyen le bon usage des deniers publics et d'une meilleure connaissance de l'action publique.*

# New Media & Citizen Collaboration

**Salle / Hall :** IRJS - Salle des professeurs

**Horaire / Schedule :** 11h00 - 12h20

**Président de séance :** Sylvie Capitant (University Paris 1 Panthéon-Sorbonne)

**Langue / Language :** English

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**Speech 1.** Sylvie Capitant - Professeur, Université Paris 1 Panthéon-Sorbonne

**Speech 2. Open (New) Media?** Roy Peled - Professor, Striks Law School, College of Management (Israël)

*Historically, the notion of "Freedom of Information" and the younger concept of "Open Government" stemmed from citizens' right understand the political environment surrounding them and the political forces to which they are subjected. Subsequently, the struggle to open governments up for citizen scrutiny has been a huge theoretical success in the late 20th and early 21st century, even if much is yet to be achieved in practice.*

*However, political institutions other than the government remain in the darkness, though some have become more powerful than some governments, politically and economically. One such institution is the news media. There is little if any discussion of media accountability towards the public, and consequently no real discussion of the issue of open access to information held by the media. Ideas in this direction are suppressed by two considerations: first, the notion that private entities as such own no accountability to the public at large; second, that any legal requirement for accountability from the news media stands contrary to the fundamental right of freedom of the press.*

*While these are valid arguments, the need for an open discussion on open media, and whether governments have a role in promoting it, has only grown in recent years. Twenty years ago it was said that any individual with a keyboard and a modem would be able to challenge the authority of the NY Times or CNN. Things unfolded in the opposite direction. Not only is more media power concentrated in fewer hands, but an additional layer of Information agents has appeared with no declared commitment to press values, in the likes of Google and Facebook. These have rapidly and aggressively replaced the governmental censors of the 20th century. Yet, legal tools that were developed to deal with governmental infringements of free speech are unavailable to deal with these new actors.*

*The speech/paper suggested here argues that the same rationales that underlie open government claims can, at least in part, support claims to open information held by the news-media and new-media organizations. Furthermore, they are in much higher need in this arena, as other legal tools are unfit or too dangerous to meet the serious challenges to democracy presented by powerful news-media and by new-media organizations.*

**Speech 3.** Charru Malhotra - Associate Professor, Indian Institute of Public Administration (IIPA) (India)

## Open Justice 1/2

**Salle / Hall :** Sorbonne - Salle D-632

**Horaire / Schedule :** 11h00 - 12h00

**Président de séance :** Pablo Oscar Gallegos Fedriani (Directeur de Chaire de spécialisation en Droit Administratif - Université de Belgrano - Buenos Aires (Argentine))

**Langue / Language :** Français / Portugais

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**Intervention 1. La numérisation de la justice et les perspectives ouvertes par les NTIC** Pablo Oscar Gallegos Fedriani - directeur de la carrera de especialización en Derecho Administrative - Universidad del Belgrano - Buenos Aires (Argentine)

**Intervention 2. The accessibility of the Supreme Court in the Informational Society in view of the TV Transmition of its judgements** Henrique Nelson Calandra - Président de l'Association des Magistrat Brésiliens (Associação dos Magistrados Brasileiros), Juge d'appel du Tribunal de l'État de São Paulo, Instituto do Capitalismo Humanista (Brésil)

*The television transmission of the judgements of the Supreme Court is an instrument of open justice, as it opens access to the population and the professionals to every discussion held, with an educational and prophylactic effect and, more than that, pointing out a complete transparency of the judgements and discussions. No issue is set aside analysis and critics, with the broader disclosure provided by the television. Differently from other courts, the divergence is public, in addition to being merely published. Nothing, thus, runs in secrecy of justice. Tormented issues, such as anencephalic fetuses, demarcation of land for Indians and, also, everyday issues, that would not reach the Supreme Court in other countries, among us they are discussed in view of the Constitution, with open access and disclosure to the population in general. So, what happens in Brazil is that the Supreme Court plays the role of a Constitutional Court and, at the same time, performs the ultimate judgment of issues related to common justice, and for this matter becomes a well-known court of the population, which causes a closer relationship between the Judiciary and the informational society. This relationship is necessary for the subjective rights and human right of action, as it brings effectiveness to the population that the judiciary is present and real.*

**Intervention 3. Justice Numérique** Intervention 2. Ronaldo Andrade - Professeur Phd., Université pontificale catholique de São Paulo et Magistrat, Instituto Capitalisme Humanista (Brésil)

*Concept. Transparence de la justice. Publicité de les actes de procédure. Jugement par visioconférence. Procédure et protection de données personnelles et le jugement eletronic. Le jugement par ordinateur.*

**Intervention 4. Electronic court proceedings and transparency of Justice Daniel Willian Granada**  
- Professeur, Université pontificale catholique de São Paulo (Brésil)

The judicial process has experienced a number of modifications, all connected with the latest technological innovations experienced, especially in the sphere of information technology. In this sense, the electronic judicial process is one of several embodiments and implementation of the transparency of justice, in that it allows not only the parties involved in the case, but all people to have access to the proceedings pending before the courts, since, of course, the process is not protected under judicial secrecy of the mantle. Therefore, the broad access provided by the electronic processing system is undoubtedly one of the main guidelines to be implemented in the world for search transparency of Justice.

**Intervention 5. The fundamental rights of access to justice in the view of the electronic proceeding José Wilson Gonçalves** - Professeur, Université pontificale catholique de São Paulo, Juge au Tribunal de Justice de São Paulo (Brésil)

The access to justice is a fundamental right, and essential to the vigor of the rule of law, as, in current days, it is through the judiciary power that the citizens, who feel damaged in its rights, can rely on the judicial system, in order to receive judicial protection. Hobbes would be astonished if he had conscious, that one day the judiciary power would become the Leviathan he had imagined, with the aim to pacify the social environment. In the context of the digital proceeding, the access to justice, that is, the access to the judicial system, arising the Leviathan for the benefit of the pacification of the environment was intensified, assuring the effectiveness of such fundamental right. The judicial protection shall be appropriate, also temporarily, and the digital proceeding reflects this fundamental demand.

**Intervention 6. Judge's independence as a request for democracy and governmental transparency Valdir Ricardo Lima Pompeio Marinho** - Juiz Assessor da Presidência, Tribunal de Justiça de São Paulo

*Beyond the traditional role of impartial third party in the resolution of conflicts, the judicial intervention in the political system can be profound, influencing the connections between the state and citizens, as well as the relationships between the various social actors. Recent cases of threats and attacks against Brazilian judges demonstrate that it is vital that the Judiciary Branch be provided of a strengthened structure to support the threatened judges and their families, In this context, organic security is relevant due to its potential impact on the independence of the judicial bodies themselves.*

**Intervention 7. The judiciary power - transparency and duty of informations José Luiz Pinheiro Lisboa Miranda,** Lawyer of Office Arruda Alvim & Thereza Alvim advocacy, São Paulo (Brasil)

*The actions and results taken by the legal power must be permeated with transparency, including with regard to account management and contracting, which can be done by releasing the data in a way that all persons can know and supervise providences and actions. This is one of the possibilities to promote "open justice" that seeks to bring information through digital*

*means to the people, in compliance with the principle of transparency, publicity and efficiency, whose objective is the realization of the rights foreseen in the legal order.*

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# Citizen Participation and Collaboration in Latin America

**Salle / Hall :** FIE - Salle du Théâtre

**Horaire / Schedule :** 13h20 - 14h50

**Président de séance :** -

**Langue / Language :** English

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## **Speech 1. Linking multi-stakeholder participation in policy development and the achievement of citizen engagement. A case study. Ana Rivoir – Universidad de la República (Uruguay)**

*For the past ten years Uruguay has consistently achieved significant improvements according to global connectivity indices, capabilities and online delivery of public services, e-participation Index. These changes are the result of transformations in ICT policy programs in conjunction with greater political shifts in relation to the country's development strategies, which has sought to articulate human and informational development. Yet, beyond the good positions of the country there is lack of evidence with respect to the degree to which these initiatives have produced relevant changes for effective citizen engagement in public policy and ICT-mediated democratic governance processes.*

*We will present the results of our case about the development and implementation of the Open Government Action Plan OGAP in Uruguay, that contains initiatives aimed at improving citizens participation, transparency, accountability and access to public services. It involves the participation of multiple stakeholders.*

*One of the questions leading the analysis of this case was how the process of elaboration of the OGAP in Uruguay is a model in which ICT-mediated citizen engagement can occupy a central role and whether it represents truly innovative practices that reinforce and promote democratic governance.*

*Studying the development and implementation of the OGAP we analyse the negotiation processes and the creation of values and rules and how participation and power management evolve and its distribution changes between the government and the citizens. We were interested, in particular, in questioning the degree to which this kind of governance processes can have disruptive effects for citizenship.*



*The analysis of this case can contribute to understand the linkage between multi-stakeholder participation and policy development and its effectiveness in terms of achieving a greater degree of citizen engagement, both as part of the process and as one of its goals.*

**Speech 2. Public Ouvidorias and the participation agenda in Brazil** Fernando Lima-Neto - Docteur en Sociologie, enseignant-chercheur, Université catholique pontificale de Rio de Janeiro (Brésil)

*The Brazilian Federal Constitution of 1988 spread and reinforced several experiences of participation that formerly had a disjointed existence. This was the case for public ouvidorias (ombuds offices), one of the several participatory institutions (such as councils and conferences) which were empowered in the context of redemocratization. At that time, the focus on participation as an input for developing democratic political representation created highly enthusiastic expectations concerning the future of democracy in Brazil. The ouvidorias are concerned with the promotion of the public use of reason within state organizations. Currently, they are fully institutionalized. There are over 1.000 ouvidorias at the federal, state and municipal levels. Although they are institutionally consolidated, little is known about these institutions. Whether in the academic field or in State statistics, there are few studies and information on this wide universe. In this research, I took into account the regulations of 93 ouvidorias at the federal level in order to analyze the conditions of political autonomy that they are granted. The research results reveal precarious conditions for the achievement of their democratic potentials. The main problem concerns the mechanisms of choice of the highest authority of an ouvidoria. Often the person who fills this position is chosen by the highest authority of the organization that should be socially controlled. The current way that the chiefs of ouvidorias are nominated, the lack of time delimitation for the duration of their terms, the reduced influence on the decision-making process of governmental organizations and the absence of accountability practices aimed at the broader society are the main obstacles that threaten social control and participation within these institutions, as well as reinforce the patrimonialist features they were supposed to counter.*

**Speech 3. Collaborative Public Governance in the Digital Era** Camilla Castanhato - Professeur, Université catholique pontificale de São Paulo (Brésil)

*Technology has changed not only the communication tools, but it is still changing the way we look at the world and live in it. This new digital era has required the construction of a new economic and state model. However, it is imperative to build a new form of governance in a collaborative democratic paradigm, based on new principles and values that can guide our public policy. Freedom, openness and transparency are the necessary conditions for the creation of a reliable environment. Without this trustable environment there is no way to develop collaboration. Our legal concept of freedom seeks to promote this openness.*

**Speech 4. Deep disagreements** Margaret Alessandra Warthon Ocsa - Legal Intern, Pontifical Catholic University of Perú

*Democracy in the current Peruvian political scheme allows issues such as the decriminalization of abortion, civil unions between homosexuals and violence against women are openly discussed.*

*The discussion of these matters committed and raises the review of many constitutional rights, and therefore requires an interpretation that fits the constitutional provisions to the current needs of society. An example of this are the statements that the Peruvian Constitutional Court for a decade has produced on various subjects that have been key to the assertion of rights of many social sectors forgotten.*

*However, the liberal constitutional tradition developed by the Constitutional Court and direct democracy, represented by the Parliament, have been confronted on more than one occasion. It is therefore appropriate to consider whether, constitutional judges should be in charge of the final interpretation of the constitution?, is feasible to set the institutional arrangements between the bodies of power?, citizens should interpret the constitution that they "live"?, taking into account our context and legal culture is viable rethink institutional arrangements?*

*The Peruvian government system does not resolve the issue of how involved should have citizenship in decision-making, whether representative or direct democracy existing in our constitution are sufficient to interpret. What seems accepted theories in question is that majorities can not legitimately trample on the fundamental rights of citizens. This argument is consistent with Dworkin logic, that a democracy should be such in which all citizens are treated equally.*

## Post-conflict & Open Gov.

**Salle / Hall :** FIE - Salle 2

**Horaire / Schedule :** 13h20 - 14h50

**Président de séance :** Marco Antonio Peres Useche (Universidad Externado de Colombia)

**Langue / Language :** Français/Español

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**Intervention 1.** María Marván Laborde - Instituto de Investigaciones Jurídicas, UNAM (Mexique)

**Intervention 2. Le droit d'accès à l'information en Pologne : l'exemple des archives du post-communisme** Katarzyna Koper - Phd Student - University Paris 1 Panthéon-Sorbonne

La Constitution est l'acte normatif le plus important dans l'Etat. Elle précise la base du régime politique et socio-économique. En même temps, elle établit les principaux droits et libertés des citoyens du pays concerné. Au regard du développement intensif des nouvelles technologies, une attention particulière est portée aux règles, d'une part, relatives au droit de l'accès à l'information, d'autre part, du droit au respect de la vie privée. Aujourd'hui, la garantie de l'accès à l'information est une condition préalable à la réalisation des objectifs de la société civile. De par leur nature opposable, la protection de chacun de ces deux droits induit d'inévitables contradictions.

**Intervenant 3. Territorial innovation, open government and post-conflict in Colombia** Marco Antonio Peres Useche - Professor, Universidad Externado de Colombia (Colombia)

The purpose of the presentation is to present how the open government can serve as a platform for territorial innovation in post-conflict in Colombia and for the construction of peace.

**Intervention 4. La Colombie, entre une paix légale et une paix légitime** Grenfieth de Jesús Sierra Cadena - Professor, University of Rosario, Bogotá (Colombie)

**Intervention 5. Ouverture des archives des années de "plomb" : analyse comparative France [1940-1945] - Brésil [1964-1985]** Quentin Sgard - Doctorant, Université Paris 1 Panthéon-Sorbonne

*Si l'ouverture des archives des conflits "conventionnels" posent bien des difficultés, la mise à disposition d'informations concernant des périodes de conflits "non-conventionnels" révèlent d'enjeux juridiques dans la stratégie de transparence des États. Cette analyse comparative tentera de montrer les points juridiques convergents entre ces deux époques et ces deux zones du globe différentes. Cette étude comparative tentera à la fois d'illustrer les ressemblances et les divergences entre les deux approches de l'ouverture des données sur ces deux périodes*

troubles. En France, le processus d'ouverture des archives relatives à la Seconde Guerre mondiale a été réellement par la circulaire du Premier ministre du 2 octobre 1997, illustrant les relatifs retards entre les premiers procès pour collaboration et les premiers textes consacrant l'ouverture aux informations de ce que les textes nomment de "juridictions d'exception de Vichy". Au Brésil, si une loi d'amnistie fut adoptée dès 1979 (soit 6 ans avant la fin de la dictature, afin de venir protéger les responsables des actes réalisés durant les "Anos de Chumbo", période la plus sombre de la dictature brésilienne), il fallut attendre 2012 pour voir installer la "Comissão Nacional da Verdade" (Commission Nationale de la Vérité), organe chargé officiellement de faire l'interface entre les citoyens et l'État, mais qui n'inaugure pas un réel droit pour les citoyens à accéder à l'information de manière systématique.

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# O Governo Aberto no Brasil

**Salle / Hall :** Bibliothèque Cujas - Salle de conférences

**Horaire / Schedule :** 13h20 - 14h50

**Président de séance :** José Horácio Halfeld Rezende (Presidente do Instituto dos Advogados de São Paulo - IASP)

**Langue / Language :** Português/Français

*L'objectif est d'étudier le gouvernement ouvert au Brésil sous ses différentes approches (justice ouverte, administration, secteur public et privé, villes intelligentes, accès à l'information...).*

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**Intervention 1. Le Brésil et les Gouvernements ouverts : retour sur 5 ans d'expérience Fabro Steibel - Directeur de exécutif (Institute for Technology and Society – Rio de Janeiro), OGP-IRM Brazil**

Présentation de l'expérience brésilienne des gouvernements ouverts (du début de l'adhésion à l'OGP à aujourd'hui sachant que le Brésil est un membre fondateur).

**Intervention 2. The access policy to housing and public transparency of decisions taken by the State in the digital age** Ercoles Matos E. Silva - Instituto do Capitalismo Humanista (Brasil)

*The interference of the government in regulating human behavior, and, also, on the basic needs of society is undeniable and known to all. The internet is the worldwide phenomenon that exposes both the blessings and the illnesses of the State, so that it is possible to equip ordinary citizens with relevant information on public policies for the realization of access to housing. In this view, in the digital age there is a public policy linked with the need to render an efficient service by the government related to the right to information.*

**Intervention 3. Hearings in the Judiciary as implementation of open government and transparency policies in the justice** José Horácio Halfed Rezende Ribeiro - Président de l'Institut des Avocats de São Paulo - Instituto do Capitalismo Humanista (Brésil)

*Transparency is one of the pillars of open government. The implementation and verification of the effectiveness of Transparency Policies are, therefore, essential. In this sense, the public hearings in the judiciary, planned in Brazil by the Law 9869/99, which provides for the processing and trial of the Direct Unconstitutionality Action and Declaratory Actions for Constitutionality before the Supreme Court. Therefore, it's necessary use the public space notions developed by Hannah Arendt and the need to rescue a public environment for public discussion. Studying the space notions and public discussion since antiquity until the contemporary age for, it's possible verify an evolution, that, indeed, imposes the transversality*

of the court decisions effects, the achievement of the public hearings on the scope of transparency in the justice.

**Intervention 4. Transparency in the legal system of child protection** Evani Zambon Marques Da Silva - Phd, Senior Professor, Université catholique pontificale de São Paulo, Chef psychologue de l'État à la Court de São Paulo au regard du droit de la famille (Brésil)

*It's extremely important transparency in the legal system of child protection. The notion of infancy, as its known today is a product of a long interdisciplinary construction, which places the child as a subject entitled to its rights only in the end of the 20th century. This turns the child, as well as in other aspects, the target to various public policies in the search to valorise as well as foment the companionship in regards to its biological family. Therefore, the projects, through the judiciary system, related to the adoption of Brazilian children, at a national and international level, as well as placing in substitute homes. So for the realization of these projects and to guarantee the regularity and the legality, chiefly adoptions, the transparency and the collection of data are of extreme importance to effectively create an open justice.*

**Intervention 5. Administrative acts and Participative Democracy: Proposal for a transparent management** Marcelo José Grimone - Masters Degree / Professeur (Faculdades Integradas Padre Albino (FIPA), Instituto do Capitalismo Humanista (Brésil))

*A philosophical and humanistic reflection on the construction, reconstruction and realization of human rights in Brazil by imposing limits on the discretion of the administrative acts. An administrative management as overcoming instrument of social inequalities and promoting existing human being. An open and participatory government with the main objectives of promotion of public services (health and education) and promoting sustainable economic development.*

**Intervention 6. Public hearings in the Judiciary as implementation of open government and transparency policies in the justice** Pellini Junior Roberto – Avocat, Professeur (UNISAL), Instituto do Capitalismo Humanista (Brésil)

*Transparency is one of the pillars of open government. The implementation and verification of the effectiveness of Transparency Policies are, therefore, essential. In this sense, the public hearings in the judiciary, planned in Brazil by the Law 9869/99, which provides for the processing and trial of the Direct Unconstitutionality Action and Declaratory Actions for Constitutionality before the Supreme Court. Therefore, it's necessary use the public space notions developed by Hannah Arendt and the need to rescue a public environment for public discussion. Studying the space notions and public discussion since antiquity until the contemporary age for, it's possible verify an evolution, that, indeed, imposes the transversality of the court decisions effects, the achievement of the public hearings on the scope of transparency in the justice.*

**Intervention 7. The violation of Human Rights in Respect to the Mitigation of the Principle of the Presumption of innocence and the unappealable judgment of the criminal condemnation** Silvano Andrade do Bomfim

*The principle of the presumption of innocence and its close relationship to the human rights demands reflection before the social clamor for an effective justice and reasonable length of the process. However, when this principle is directly related to the unappealable criminal condemnation, the notion of justice may sometimes seem distant when numerous procedural appeals are still possible to be handled before the higher courts, since the immutability of the decision will lead to more time to occur, extending the presumption of innocence and therefore postponing the fulfillment of the sentence.*

*The Article analyzes the recent decision of the Supreme Federal Court of the Federative Republic of Brazil, which on November 11, 2016, judged an extraordinary appeal to which it attributed binding effect, proclaiming the constitutional fulfillment of the criminal sentence after a conviction in a second instance court. Even if there is a special appeal addressed to the Superior Court of Justice or extraordinary appeal addressed to the Federal Supreme Court for the Brazilian Supreme Court, such an understanding does not violate the principle of presumption of innocence, even though the execution of the sentence begins before the immutability of the condemnation, which will only occur when no appeal is possible.*

*The Brazilian decision, general and mandatory in the Country - whose Constitution expressly establishes in art. 5, LVII, that no one will be found guilty before the final judgement - will be studied in the light of international human rights treaties and conventions the interpretation of international courts, especially the European Court of Human Rights.*

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## Open Contract [EN]

**Salle / Hall :** IRJS - Salle des Séminaires

**Horaire / Schedule :** 13h20 - 14h50

**Président de séance :** Pierre Bourdon (Professeur – Université du Mans)

**Langue / Language :** English

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**Speech 1. From disclosure to use to impact: How open contracting makes procurement data actionable** Georg Neumann - Senior Communications Manager, Open Contracting Partnership (United States)

*Vast amounts of money – about a third of government spending, is done through public contracting and it is governments’ number one corruption risk. Open contracting transform public contracting by making documents and data throughout the contracting cycle ‘open by default’ based on a global best practice schema, the Open Contracting Data Standard. This makes contracting information accessible and actionable to help business, citizens and journalists analyse, monitor and scrutinize the process to shape better outcomes. This actionable open data provides the basic building blocks for wider public benefit. Open contracting delivers better deals for governments, a level playing field for business, less fraud and corruption, and quality goods and services for citizens. The intervention will discuss the open contracting concept, best practices from around the world and early evidence of success and impact.*

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## **Droit au respect de la vie privée**

**Salle / Hall :** Sorbonne - Salle D-632

**Horaire / Schedule :** 13h20 - 14h50

**Président de séance :** Guido Meloni (*Professeur, Universités Unimol et LUISS - Italie*) & Pietro Falleta (*Professeur, Université LUISS - Rome - Italie*)

**Langue / Language :** Français

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**Intervention 1. Droit au respect de la vie privée et Gouvernement ouvert** Irène Bouhadana -  
Directrice du Master 2 Droit des données, des administrations numériques et des gouvernements ouverts,  
Université Paris 1 Panthéon-Sorbonne, Secrétaire générale de l'IMODEV (France)

**Intervention 2. Vie privée et vie politique à l'ère des gouvernements ouverts** William Gilles -  
Directeur du Master 2 Droit des données, des administrations numériques et des gouvernements ouverts,  
Université Paris 1 Panthéon-Sorbonne, Président de l'IMODEV (France)

**Intervention 3. Le droit à l'oubli dans les actes parlementaires** Pietro Falleta - Professeur,  
Université Luiss, Rome (Italie)

Les divers solutions qui ont été élaboré jusqu'à maintenant par la jurisprudence en matière de droit à l'oubli ont en commun la volonté d'augmenter la protection de l'image et de la confidentialité des individus. La Cour de Cassation italienne a transformé le droit à l'oubli en droit à la contextualisation des informations concernant des faits qui se sont produit dans un deuxième temps. Toute personne qui, à titre différent, informent sur le net, sont obligées à ne pas effacer des informations reculées mais utiles pour des raisons historiques, et à les mettre à jour de manière adéquate, si la personne concernée le demande. Au contraire, pour la Cour de Justice de la Communauté Européenne, le droit à l'oubli est strictement lié à la possibilité d'obtenir l'effacement des données et ne concerne pas leur mise à jour. Plus exactement, on reconnaît le droit à ne pas faire circuler sur le web des vieilles informations personnelles et sans intérêt pour les internautes. Pour obtenir ce résultat il est imposé aux moteurs de recherche responsables, d'après la loi européenne, de ces contenus, la désindexation des liens où se trouvent ces informations. De son côté, le Parlement italien a introduit sa propre discipline en ce qui concerne le droit à l'oubli qui révèle des éléments originaux, résultat, évidemment, de la nature même de cet organe du Gouvernement ainsi que de ses actes.

**Intervention 4. Droit d'accès "civique" et protection de la confidentialité** Guido Meloni -  
Professeur, Universités LUISS et Unimol (Italie)

**Intervention 5. Administration et collecte de données personnelles sur les réseaux sociaux**  
Patricia Jonason - Maître de conférences, Södertörn University/Södertörns högskola (Suède)

*Les nouvelles technologies de l'information et de la communication ont contribué, par les moyens techniques qu'elles procurent et les nouvelles habitudes sociétales qu'elles ont engendrées, une imbrication toujours plus forte de la vie publique et de la vie privée des individus. Simultanément les données personnelles sont potentiellement aisément accessibles sur Internet et parfois sur les réseaux sociaux. Comment analyser la pratique de certaines administrations qui, mettant à profit cette nouvelle situation de transparence des individus, collectent sur Internet et les réseaux sociaux, dans le cadre d'investigations dont elles ont la charge, des informations relatives aux usagers? À partir du cas suédois de la collecte par des services sociaux de données personnelles sur Facebook, nous nous interrogerons sur les implications politico-juridiques un tel procédé pour l'individu et pour la société et sur la question de la nécessité de l'adoption d'un cadre juridique particulier.*

## International Institutions (1&2) & Open Gov.

**Salle / Hall :** Centre Panthéon- Salle 1

**Horaire / Schedule :** 15h05 - 16h25 & 16h00 - 18h00

**Président de séance :** Jean-Jacques Kudela (*International Projects | Team Leader | E-Government, SME, Banking | Russia, Ukraine, Central Asia, Caucasus, Balkans*)

**Langue / Language :** English

Plus de soixante-dix pays ont aujourd'hui rejoint le partenariat pour les gouvernements ouverts, s'engageant ainsi à respecter des standards de transparence gouvernementale et d'accès à l'information, de participation et de collaboration citoyenne, et incitant les responsables publiques et l'administration à rendre des comptes.

Cette session examinera comment les institutions internationales appréhendent ce processus d'une part, en interne et d'autre part en externe dans leurs programmes de coopération avec les pays membres et les pays tiers.

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**Speech 1. Media Information Literacy a prerequisite to Open Government** Farideh Mashayekh - Senior researcher and invited prof., Higher Education Research & Planning Institute (Iran)

Media Information Literacy(MIL) with its 3 stages of competencies and 113 indicators launched by UNESCO(2013) will be presented.It is considered as a prerequisite for empowering citizens as lifelong learners in knowledge society and towards transparency and responsiveness.Therefore,there is need , to be assessed to demonstrate the country's readiness for open government.

**Speech 2. Innovation in Internet Governance: toward a distributed approach leveraging open gov practices** Stefaan Verhulst - Chief of Research, The GovLab NYU (United States)

# Citizen Participation & Collaboration in Europe

**Salle / Hall :** FIE - Salle du Théâtre

**Horaire / Schedule :** 15h05 - 16h25

**Président de séance :** Helle Krunke (Head of PhD, Professor Ph.D. og Director, Centre for European and Comparative Legal Studies, Faculty of Law - University of Copenhagen - Denmark)

**Langue / Language :** English

*Increased citizen participation in political decision-making is a current trend in Europe. It appears at the local level, state level and even at the EU level. It can for instance take the form of citizens' initiatives, referenda and popular involvement in the making of new constitutions. The reasons for this development are many and they interact in a complex pattern. However, a reaction to the financial and political crisis in Europe, a reaction to EU integration and EU's search for more democratic legitimacy are among the important factors. Increased citizen participation can be seen as one way of creating more open government. Many interesting questions can be raised. In which (new) forms does citizen participation appear? Does the increased citizen participation actually have an impact on political decision-making? Is increased popular involvement one way of solving the political crisis which the EU is facing at the moment? And how can it be designed? Can direct democracy contribute to defining a country's 'constitutional identity'? Does the direct democracy trend also have a 'dark' side in relation to for instance protection of human rights and increased nationalism? Many intriguing questions appear and the workshop will be open towards all aspects of citizen participation and collaboration.*

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**Speech 1. Citizen Participation & Collaboration** Helle Krunke – Head of PhD, Professor Ph.D. og Director, Centre for European and Comparative Legal Studies, Faculty of Law - University of Copenhagen (Denmark)

*Increased citizen participation in political decision-making is a current trend in Europe. It appears at the local level, state level and even at the EU level. It can for instance take the form of citizens' initiatives, referenda and popular involvement in the making of new constitutions. The reasons for this development are many and they interact in a complex pattern. However, a reaction to the financial and political crisis in Europe, a reaction to EU integration and EU's search for more democratic legitimacy are among the important factors. Increased citizen participation can be seen as one way of creating more open government. Many interesting questions can be raised. In which (new) forms does citizen participation appear? Does the increased citizen participation actually have an impact on political decision-making? Is increased popular involvement one way of solving the political crisis which the EU is facing at the moment? And how can it be designed? Can direct democracy contribute to defining a country's 'constitutional identity'? Does the direct democracy trend also have a 'dark' side in relation to*

for instance protection of human rights and increased nationalism? Many intriguing questions appear and the workshop will be open towards all aspects of citizen participation and collaboration

**Speech 2. Making Data Together: Participatory Design Processes for Public Data Infrastructures** Jonathan Gray - Prize Fellow, Institute for Policy Research (Royaume-Uni)

What is the relationship between open government and open data? Open data is often conceptualised as an informational resource to be utilised in relation to advancing progress around different kinds of societal goals, including open government, transparency and accountability, public sector efficiency, technological innovation and economic growth (Gray, 2014). This has led some researchers to argue for a sharper distinction between the politics of open government and the technologies of open data (Yu & Robinson, 2012). However, such a distinction is challenged when data infrastructures are viewed not just as informational resources but as socio-technical systems through which issues are institutionalised. This paper looks at how engagement around public data infrastructures presents opportunities and challenges for open government and democratic participation around public policy-making processes. In particular it focuses on how experimentation with participatory design processes can open up new forms of space for deliberation around how policy issues are measured, monitored, evaluated, enacted and responded to. This is illustrated with reference to research and participatory design experiments around a public data infrastructure for the tax contributions of multinational corporations - including in relation to transnational policy processes associated with the OECD BEPS project as well as regulatory frameworks around extractives industries transparency and financial reforms in the wake of the 2007-2010 crisis.

**Speech 3. Implementing OGP in Romania as a public-private partnership** Mihai Lisetchi – Professor, West University of Timisoara, Romania

Romania joined OGP initiative in 2011. Since then, its implementation went on a positive trend involving both public agencies, namely central government and ministers, and nonprofit nongovernmental organizations (NGOs). While the public-private partnership seems to develop smoothly for years, the intention to create the national steering committee involving both ministers and NGOs has tumbled upon the request for a clear regulation concerning the role and responsibilities of the NGOs in the steering committee. Considering the previous positive experience in the collaboration between the two parties, it would be interesting to explore the factors conditioning the present conflictual situation.

**Speech 4. Enhancing Citizens' Participation in the Processes of Governance: Digital India and MyGOV** Charru Malhotra - Associate Professor, Indian Institute of Public Administration (IIPA) (India)

Digital India Program (DIP) is an ambitious umbrella programme of Government of India. It weaves together a large number of technologies with governance processes and services to empower Indian citizens around its three vision areas viz. 'Digital Infrastructure as a Utility to Every Citizen', 'Governance and Services on Demand', and 'Digital Empowerment of Citizens'.

These key areas of visions rest on nine pillars of Digital India ranging from provision of ‘Broadband for all’ to its forty four mission mode projects related to governance services under ‘e-Kranti’ pillar to ‘IT for Jobs’ and ‘Digital Literacy for All’ and so on ([http://deity.gov.in/sites/upload\\_files/dit/files/Digital%20India.pdf](http://deity.gov.in/sites/upload_files/dit/files/Digital%20India.pdf)). DIP is not merely a great opportunity to develop the digital backbone of the country but also promises to deliver a real improvement in the quality of life of Indians by offering an on-demand easier access to governance and services using Internet, Mobile, Cloud based Digi-lockers, Common Service Centres-CSCs, Post offices, public Wi-Fi hotspots and much more. In fact majority of the activities and services delineated under government-to-government (G2G), government-to-businesses (G2B) and government-to-citizens (G2C) categories have been proposed to be delivered using technology through the aegis of DIP by means of innovative implementation models such as 4P model (Panchayat-Public-Private-Partnership). The proposed actions and services are further expected to be refined by all the stakeholders in an open and interactive manner using digital mechanisms such as portal of MYGOV (<https://mygov.in/>). Further, DIP is also expected to bring all the digital activity to India by ushering in other related concepts such as Smart Cities and therefore lead to a ripple effect business opportunities in all the related sectors such as Software, Support, Hardware, Government Services and Information Technology Enabled Services (ITES). The ultimate mission of DIP is to transform India into a digitally empowered society and a knowledge economy by leveraging information technology (IT) as a growth engine of new India.

## Open data, Open Gov. & Santé

**Salle / Hall** : FIE - Salle 2

**Horaire / Schedule** : 15h05 - 16h25

**Président de séance** : Maria Belen Andrieu Martinez (*Professeur, Université de Murcie - Espagne*)

**Langue / Language** : Français/Español

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### **Intervenant 1. Los datos de salud: un doble reto** María Marván Laborde - Instituto de Investigaciones Jurídicas, UNAM, Mexique

Los datos de salud presentan un doble reto, la importancia de sistematizarlos y contar con buenas bases de datos, confiables para que los gobiernos puedan diseñar políticas públicas adecuadas, acorde con los grandes retos que plantea la bioética en la investigación y al mismo tiempo proteger a los expedientes personales ya que estos contienen información altamente sensible de los pacientes.

La ponderación entre derechos es esta materia es esencial para lograr un equilibrio adecuado que permita a los gobiernos la mejora de los sistemas de salud pública y al mismo tiempo respete el derecho humano a la protección de sus datos personales.

### **Intervenant 2. "Mutualisme 2.0"** Elise Debiès - Directrice des relations internationales & de la coordination (DRICO), CNAV (France) (France)

*Le Brexit nous a fait prendre brutalement conscience de l'état grave dans lequel se trouve le projet européen. Comment réconcilier les citoyens européens avec leurs institutions ? Il n'y a pas de recette miracle, les évolutions technologiques sont de plus en plus rapides et rendent difficile toute anticipation du modèle à venir, mais le besoin de solidarité des peuples européens est central et la question sociale essentielle pour reconstruire le projet européen.*

*Autour du mutualisme 2.0 entraîné par Internet s'articulent des dynamiques plus individualistes, moins universalistes, moins re-distributives, que celles qui ont procédé à la création du régime général de la sécurité sociale en France en 1945.*

*Se dirige-t-on ainsi vers une sécurité sociale plus « prédictive » ? Dans le domaine de la santé, des compagnies d'assurance proposent déjà aux salariés, en échange d'un « bilan de santé » en ligne et du port d'un bracelet connecté, des bons de réduction auprès de sociétés partenaires en cas de comportement sain.*

*Comment mettre en relation les jeunes et les retraités ? La plateforme numérique offre un potentiel évident. C'est la puissance des individus en réseau : ils deviennent une ressource, la*



*somme de ce qu'ils détiennent forme une infrastructure ; plus le réseau est étendu plus on attire d'utilisateurs.*

*C'est pour prendre en compte ces possibilités techniques favorisant l'émergence de nouvelles solidarités que la Cnav, premier régime de retraite français, impulse un projet de plateforme numérique qui permettra de mettre en relation des personnes retraitées qui disposent d'une chambre libre avec des jeunes européens, étudiants, apprentis ou volontaires Erasmus+. C'est un toit en échange d'une présence régulière.*

*Ce projet de plateforme, « Toit+Moi », va générer une masse de données : combinées, croisées, reliées, elles participeront à une connaissance fine des profils et besoins, pour adapter les fonctionnalités de la plateforme et développer une action sociale complémentaire.*

*Dans cette nouvelle dynamique, la force des organismes de sécurité sociale réside en effet dans les données fiables, personnelles ou anonymisées, qu'ils détiennent sur les individus dont ils gèrent les droits. Les bases de données des organismes du secteur santé/ social deviennent une mine d'or, avec une clé d'appariement qu'on pourrait qualifier de « donnée d'intérêt général » : le NIR.*

**Intervenant 3. Hacia un nuevo uso de los datos de salud. Perspectivas actuales del open data en el ámbito socio-sanitario** Maria Belen Andries Martinez - Professeur, Université de Murcie (Espagne)

*El ámbito de la salud ha estado hasta hace poco ajeno a la apertura de datos, entre otros, por los riesgos derivados del tratamiento de información muy sensible, como son los datos de salud. Pero la apertura es ya un hecho: permite, por un lado, el empoderamiento del paciente; también una mejora en las decisiones en materia de salud de los gobiernos, así como una mayor transparencia de las Administraciones Públicas; y, por último, nuevas oportunidades de negocio. La normativa a nivel europeo también avanza en este sentido. En la ponencia se expondrá el valor que puede aportar el open data en salud, los principales riesgos y obstáculos a los que se enfrenta y se analizarán algunos ejemplos de open data sanitario. Se pondrá de relieve la trascendencia que puede tener en este campo, debido a la creciente tendencia a una mayor coordinación e integración entre los sistemas sanitario y social, como consecuencia de los cambios demográficos, epidemiológicos o económicos.*

**Intervention 4. Pour des institutions transparentes, impartiales et démocratiques** Alice Olivesi - Medical doctor (France)

En France, les institutions (notamment judiciaire, fiscale, système de santé, et présidence de la République )

-supposées servir les droits humains inaliénables et l'intérêt général- capturées par l'oligarchie qui y a installé des verrous, fonctionnent hors contrôle du public -bien qu'"au nom du peuple"- confiscant ressources et pouvoir à l'avantage de l'oligarchie.

J'exposerai mes propositions pour neutraliser des verrous.



**Intervention 5. Mélanie Robert - Directrice exécutive, Gestion de l'information et Gouvernement ouvert, Direction du dirigeant principal de l'information - Secrétariat du Conseil du Trésor du Canada / Gouvernement du Canada**

**Intervention 6. La nueva ley de acceso a la información pública en la Argentina Juan Gustavo Corvalan - Fiscal General Adjunto en lo Contencioso Administrativo y Tributario, Ministerio Público Fiscal de la Ciudad de Buenos Aires**

*El pasado 14 de septiembre, el Congreso de la Nación Argentina aprobó la Ley de Acceso a la Información Pública. La ley surge en el marco de un gobierno abierto, transparente y participativo. Indica los sujetos obligados a proporcionar y poner a disposición la información pública y propicia la creación de la Agencia de Acceso a la Información Pública, en el ámbito del Poder Ejecutivo Nacional, con autonomía funcional, autarquía financiera. Crea, a su vez, un Consejo Federal para la Transparencia, como organismo interjurisdiccional de carácter permanente, que tiene por objeto la cooperación técnica y la concertación de políticas en materia de transparencia y acceso a la información pública, a fin de coordinar las acciones en materia de transparencia entre el Estado nacional, las provincias y la Ciudad Autónoma de Buenos Aires.*

*La finalidad de la ley es garantizar el derecho de acceso a la información pública para la promoción de la participación ciudadana y la transparencia de la gestión comprendiendo la posibilidad de buscar, acceder, solicitar, recibir, copiar, analizar, reprocesar, reutilizar y redistribuir libremente la información de los poderes que conforman el estado nacional.*

*Como precedentes, en nuestro país, contamos con cuatro sentencias trascendentes emitidas por la Corte Suprema de Justicia de la Nación entre 2012 y 2016 que convalidaron el derecho de acceso a la información pública. En ellas, a más de reconocer los principios que rigen ese derecho, estableció doctrina esencial acerca de las características del obligado a rendir la información, aunque en términos estrictos no sea un ente estatal; la calidad del dato —personal que no se convierte en "sensible por el contexto"— y sobre la legitimación activa amplísima reconocida a "cualquier integrante de la comunidad".*

*- En "Asociación por los Derechos Civiles c. PAMI" (2012), la actora solicitó información al PAMI - Instituto Nacional de Servicios Sociales para Jubilados y Pensionados de la Nación argentina- acerca del presupuesto que el organismo había destinado a publicidad oficial y sobre la distribución efectuada de esa publicidad. La demandada rechazó la solicitud alegando que no le era aplicable el decreto 1173/03 PEN , pues el ente no constituía una institución estatal. Aunque esta cuestión estaba fuera de duda, la Corte Suprema desestimó el argumento al afirmar que, no obstante no tener "naturaleza estatal", el PAMI, "dadas sus especiales características y los importantes y trascendentes intereses públicos involucrados" debe de brindar esa información en el marco de una sociedad democrática, pues se trata de una institución que "gestiona intereses públicos y que detenta una función delegada del Estado, siendo indiscutible la interrelación entre el ente demandado y la administración estatal". La regla establecida por la Corte Suprema consideró que en el caso se trataba de "información", ya que reunía dos requisitos concurrentes: a) se trataba de datos de interés público y b) el ente —sin ser estatal— ejercía una función delegada por el Estado.*

- En "CIPPEC" (2014) la demandante requirió, en 2008, al Ministerio de Seguridad Social, los datos referidos a: a) los beneficiarios, los intermediarios y los distribuidores de planes sociales; b) la aplicación y ejecución de esos planes sociales según el presupuesto; y, c) el alcance territorial del programa. La negativa del Estado fue argumentada a través del derecho a la privacidad de los beneficiarios, garantizados en la ley de hábeas data; la protección de datos personales, susceptibles de generar estigmatización y discriminación.

Las competencias y funciones de la Agencia de Acceso a la Información Pública, previstas en la ley, están conectadas con la necesidad de la implementación de una plataforma tecnológica para la gestión de las solicitudes de información y sus respuestas; la apertura de un canal de comunicación con la ciudadanía con el objeto de facilitar la eficacia de las solicitudes de información; la elaboración y publicación de estadísticas sobre requirentes, información solicitada, denegatorias y cuestiones relacionadas con el control ciudadano en la materia, y la difusión de las capacitaciones que se lleven a cabo a fin de conocer los alcances de la ley.

En un plazo de 90 días (desde la publicación en el Boletín Oficial, cuya fecha fue el pasado 29 de septiembre), el Poder Legislativo, el Poder Judicial, el Ministerio Público (Fiscal y de la Defensa) y el Consejo de la Magistratura, deberán crear un organismo con autonomía funcional y con competencias y funciones idénticas a las de la Agencia de Acceso a la Información Pública, que actuará en el ámbito del organismo en el que se crea. La Ley, finalmente, entrará en vigencia al año de su publicación en el Boletín Oficial.

Hasta la entrada en vigencia de esta Ley, tanto el Decreto N° 1172/2203, como cualquier otra norma relativa a información en manos del Estado, continúan en vigencia.

Para cerrar, es oportuno mencionar que la Relatoría Especial para la Libertad de Expresión de la Comisión Interamericana de Derechos Humanos, a fines del año 2009 presentó el libro sobre los estándares en materia de acceso a la información del Sistema Interamericano de Derechos Humanos, con jurisprudencia de distintos Estados miembros de la OEA, donde destacó la importancia del acceso a la información para el sistema de derechos humanos.

“El acceso a la información es una herramienta fundamental para la construcción de la ciudadanía (...) [el] activismo ciudadano es justamente uno de los ideales que subyacen a la Convención Interamericana Sobre Derechos Humanos...” (El derecho de acceso a la información en el marco jurídico interamericano, OEA documentos oficiales, 2009).

## Tax Law & Open Gov.

**Salle / Hall :** Bibliothèque Cujas - Salle de conférences

**Horaire / Schedule :** 15h05 - 16h25

**Président de séance :** William Gilles (Université Paris 1 Panthéon-Sorbonne, President de l'IMODEV)

**Langue / Language :** Portuguais/English

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### **Speech 1. The obligation of publishing issued tax rulings on the basis of Polish tax law** Tomasz Nowak – Associate Professor, University de Lodz (Pologne)

*The subject of this elaboration is presenting and evaluating the Polish regulations that oblige the tax administration to publish on the Internet all issued tax rulings. This obligation is implemented by the authority issuing tax rulings and applies to any tax rulings given by this body - not only to „general” tax rulings, but also to „individual” tax rulings. Not only the recipient (the addressee) can read up on the content of any individual tax rulings, but also anyone looking for information about practice of the tax administration.*

*Publishing all tax rulings fits into the concept of "open government".*

*This purpose of the regulation is also consistent with the purpose of the institution of tax rulings. Tax rulings have to inform taxpayers about understanding of tax law by the tax administration. They thereby allow the taxpayer to submit tax returns that are correct, because it is prepared based on the knowledge of how the law is understood by the tax administration. It is important therefore, that the access to the content was as wide as possible, and this is possible when using the most popular and "efficient" current communication tool, which is the Internet.*

*The obligation to publish individual tax rulings issued realizes, however, only informative purposes. Polish law protects the taxpayer who obeys the received tax ruling and submits tax return in accordance with this tax ruling. However, the legal protection associated with the use of the individual tax ruling applies only to the taxpayer who requested the issue of tax rulings and who is the addressee. This protection does not apply to the other taxpayers who only read the tax ruling on the Internet, but formally did not request it - even if their tax situation was exactly as the situation described and assessed in the published tax ruling. In the event of a litigation with the tax authority, the published individual tax ruling, but issued at the request of another taxpayer, may therefore constitute an argument in the pleadings filed by the taxpayer, but without significant legal consequences for him, for Tax Administration and the Tax Court. Therefore, legal consequences of the use of the individual tax rulings published on the Internet are only relevant for their recipients. For taxpayers who receive information published by the*

tax ruling on the web page, in case when they are not being addressed to them, such ruling can only be a guideline, as in the future the tax administration will assess the facts identical with those for which tax rulings was issued.

**Speech 2. Topical equality in the interpretation of the principles informers income tax Ageu Libonati Junior - Avocat, Instituto do Capitalismo Humanista (Brésil)**

There is no neutrality in the interpretation of any tax principles, since these are vectors that inform the entire system. When interpreting principles and tax breaks the principle of equality is presented in unremovable, so that the law is applied giving priority to human rights, as well as smoothing out state duties of citizens. Equality and neutrality permeate and topically directed interpretive activity. Rights such as health, employment, environment, can not be flattened by a tax rule. The principles of progressivity, universality and generality are smoothed when pose the principle of equality and neutrality of taxation. One must consider greater transparency in the application of tax principles and the management of public services, especially those related to human rights, including distribution lists. Equality and neutrality are topical guidelines for the interpretation of tax law and state duties of citizens.

**Speech 3. Balancing Corporate Charity with Transparency Imperatives: The Income Tax Deductibility of Funds Spent for Political Corporate Social Responsibility Arvin Jo - Assistant Professor, De La Salle University (Philippines)**

While business firms or corporations primarily function as a wealth-generating agent, it cannot be ignored that these firms – in their Corporate Social Responsibility or CSR practices – have evolved beyond making simple charitable contributions, as contemporary CSR practices are now turning into an undertaking of what was traditionally governmental functions.

This is most apparent in Central Philippines, wherein after a super typhoon caused the destruction of US\$ 12 Billion worth of infrastructures and properties, the Philippine National Government adopted a rehabilitation program in which affected areas were virtually entrusted to 17 different private corporations. These corporations were put in charge of reconstruction and rehabilitation efforts and in the process provide community-wide education, health, housing, and livelihood services – services traditionally thought to be a responsibility of the Government. The term “political CSR” has been advanced by Andreas Scherer and Guido Palazzo to describe this extended model of governance wherein business firms contribute to global regulation and directly provide public goods.

The US\$ 12 Billion spent by the private corporations will however be claimed, pursuant to Philippine Tax Code, as a 100% deduction against the income tax liability of these same corporations in the coming years. This means that the funds spent by the private corporations are in effect ‘loss tax revenue collections’ for the government – money that if collected by the Government would have been use for social services in the people’s benefit, just the same. The greater implication is that the funds spent by private corporations – a diminishment in taxpayers’ would have been revenue – are not subjected to the same stringent auditing and

*transparency safeguards applied to public fund spending, thus undermining good governance imperatives.*

*The rationale for giving this tax incentive to corporations is of course easily apparent. The incentive rationale was written into the tax statute, though, at a time when corporate charitable donations and CSR spending are merely of symbolic and partnership-forging value. But the institutional weakness of Government in responding to grave public emergencies has created a space for private corporation take-over of public goods provisioning. Given this, a ‘quasi-public fund’ characterization ought to be imputed to funds that are spent by private corporations for political CSR, but which are claimed for 100% tax deduction purposes. The quasi-public characterization of funds for political CSR should ergo make the funds subject to some length of public scrutiny.*

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## Gender and Women & Open Gov.

**Salle / Hall :** IRJS - Salle des séminaires

**Horaire / Schedule :** 15h05 - 16h25

**Président de séance :** Ariane Dupont-Kieffer, doyenne de l'UFR d'économie de l'Université Paris 1 Panthéon-Sorbonne

**Langue / Language :** English

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**Speech 1.** Ariane Dupont-Kieffer - Doyenne de l'UFR d'économie de l'Université Paris 1 Panthéon-Sorbonne (France)

**Speech 2.** Marta Serrano Balbuena - Chief communications and consultancy officer - EMT Madrid (Espagne)

**Speech 3.** Sophie Auconie - Vice-présidente de l'Union des démocrates et indépendants (UDI), conseillère municipale de Tours depuis 2008 et députée européenne de la circonscription Massif central-Centre de 2009 à 2014 (France)

**Speech 4.** Carlotta Palestra - Policy Analyst, OCDE

# Cybercriminalité & Gouv. ouverts

**Salle / Hall :** IRJS - Salle des professeurs

**Horaire / Schedule :** 15h05 - 16h25

**Président de séance :** Myriam Quemener (*Magistrate*)

**Langue / Language :** Français

*L'objectif de la session est de montrer comment les principes de transparence, mais aussi d'une meilleure participation entre acteurs publics, acteurs publics-privés, citoyens... peuvent contribuer à renforcer la lutte contre la cybercriminalité.*

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**Intervention 1.** Myriam Quemener (*Magistrate*)

**Intervention 2. Cybercriminalité, divergences et convergences étatiques** Sarah Saldmann -  
Doctorante, Université Paris 1 Panthéon-

La cybercriminalité, phénomène ubiquitaire et international, touche tous les États qu'ils soient ou non membres d'outils conventionnels (notamment la Convention de Budapest). Si certains États présentent des similitudes, d'autres ont des modèles sui generis inhérents à leur fonctionnement. Lorsque des pays ont un gouvernement ouvert, cela présente un impact sur leur manière d'aborder la cybercriminalité, que ce soit en matière de cyber-attaque ou de cyber-défense.

**Intervention 3. La corrélation entre le Bitcoin et la cybercriminalité par rapport aux gouvernements ouverts** Manuel Valente - La Maison du Bitcoin (France)

La cybercriminalité est en plein essor et de facto des moyens de paiement se développent au sein de ce monde sans frontières. Il en est ainsi du Bitcoin. Cette monnaie virtuelle permet d'échapper à tout contrôle des gouvernements, que ceux-ci soient ouverts ou non.

Dès lors, un équilibre tente de s'établir entre l'expansion des gouvernements ouverts qui vise une meilleure transparence et la décentralisation d'une monnaie nouvellement créée.

**Intervention 4.** Jean-Pierre Mubanga-Nyembwe - Bel Campus, Kinshasa (République Démocratique du Congo)

## International Institutions (1&2) & Open Gov.

**Salle / Hall :** Centre Panthéon- Salle 1

**Horaire / Schedule :** 15h05 - 16h25 & 16h00 - 18h00

**Président de séance :** Jean-Jacques Kudela (*International Projects | Team Leader | E-Government, SME, Banking | Russia, Ukraine, Central Asia, Caucasus, Balkans*)

**Langue / Language :** English

Plus de soixante-dix pays ont aujourd'hui rejoint le partenariat pour les gouvernements ouverts, s'engageant ainsi à respecter des standards de transparence gouvernementale et d'accès à l'information, de participation et de collaboration citoyenne, et incitant les responsables publiques et l'administration à rendre des comptes.

Cette session examinera comment les institutions internationales appréhendent ce processus d'une part, en interne et d'autre part en externe dans leurs programmes de coopération avec les pays membres et les pays tiers.

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**Speech 1. Media Information Literacy a prerequisite to Open Government** Farideh Mashayekh - Senior researcher and invited prof., Higher Education Research & Planning Institute (Iran)

Media Information Literacy(MIL) with its 3 stages of competencies and 113 indicators launched by UNESCO(2013) will be presented.It is considered as a prerequisite for empowering citizens as lifelong learners in knowledge society and towards transparency and responsiveness.Therefore,there is need , to be assessed to demonstrate the country's readiness for open government.

**Speech 2. Innovation in Internet Governance: toward a distributed approach leveraging open gov practices** Stefaan Verhulst - Chief of Research, The GovLab NYU (United States)



# Freedom of speech

**Salle / Hall :** FIE - Salle du Théâtre  
**Horaire / Schedule :** 16h40 - 18h00

**Président de séance :** Russell L. Weaver (Louis D. Brandeis School of Law, University of Louisville)

**Langue / Language :** English

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**Speech 1. Free Speech and Transparency in the Digital Era** Russell Weaver – Professor of Law & Distinguished University Scholar, University of Louisville Louis D. Brandeis School of Law (Etats-Unis)

**Speech 2. The Problem of Compelled Speech, Speech Bans, and Mis-Attributed Government Speech** Ronald J. Jr. Krotoszynski - John S. Stone Chair, Professor of Law, and Director of Faculty Research, University of Alabama School of Law, Tuscaloosa, Alabama (États-Unis)

*In the United States, the state and federal government have regulated the speech of medical professionals – particularly in the context of abortion procedures. The federal courts have not reliably moved to invalidate coerced speech by medical providers – some of it demonstrably false. Such speak constitutes an effort to propagandize women seeking lawful medical services and inserts the state into the treatment room. Government speaking for itself is one thing; government using private physicians as sock puppets is quite another and plainly implicates core First Amendment concerns.*

*So too, some state governments, such as the Scott Administration in Florida, have forbidden state government employees from using the words “global warming” or confirming the existence of this meteorological phenomenon. Efforts to control professional speech by government employees constitute a form of censorship that implicates both transparency and free*

*speech values. Should government be permitted to prohibit a scientist working for a state environmental agency from using phrases such as “global warming”? Like compelled, and potentially mis-attributed, professional speech by medical professionals treating patients, government censorship rules that limit the scope of government employees’ professional speech raise serious First Amendment problems.*

*Finally, government at all levels – federal, state, and local – increasingly attempts to hide its identity as a speaker – and does so successfully on various social media platforms. These efforts to propagandize the citizenry present another serious risk to core First Amendment values. In a variety of contexts, the government seeks to enter the marketplace of ideas, but also to hide or disguise its identity as a speaker.<sup>3</sup>*

The *Johanns* case, involving the Cattleman’s Beef Promotion and Research Board, provides a good example of this phenomenon. Government creates an entity and then uses it to convey messages to the public designed entirely by the government, but propagated as if the speech of a non-governmental entity. “Beef. It’s what’s for dinner.” was a message designed, approved, and funded by the U.S. Department of Agriculture. Few members of the public probably know this, however. Despite the probability of the general public mis-attributing the speaker, which was the USDA, the Supreme Court sustained the program against a First

Amendment challenge.

With the growing importance of social media, anonymous or pseudonymous government speech presents a growing and serious transparency problem. Even if private citizens should be permitted to speak anonymously, it is far from self-evident that this same privilege should be afforded to the government itself. Or to private corporations.<sup>9</sup> Truth in advertising requires government to self-identify itself when it speaks. Big Brother watching presents one set of issues, but Big Brother speaking, while attempting to hide its identity, presents another set of issues that merit sustained and critical attention.

**Speech 3. Jorge Islas - Profesor, UNAM (Mexico)**

# Fracture numérique, Participation citoyenne & Gouv. ouverts

**Salle / Hall :** FIE - Salle 2

**Horaire / Schedule :** 16h40 - 18h00

**Président de séance :** Grenfieth de Jésus Sierra Cadena (Universidad del Rosario, Bogotá)

**Langue / Language :** Français/Español

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**Intervention 1. Smart-cities; sécurité et principe d'égalité** Jean-Jacques Lavenue, Professeur, Université Lille 2 (France)

**Intervenant 2. Digital Divide : RD Congo, un cas d'école. Perspectives africaines** Jean-Pierre Mubanga-Nyembwe – Professeur, Université Franco Américaine UFA (République Démocratique du Congo)

*Depuis la conférence de Tunis en novembre 2005, le Sommet Mondial sur la Société de l'Information (SMSI) – en clair « la communauté internationale » - a adopté un ensemble commun de principes et une vision de la société de l'information, identifié des principes clés et décrit les principaux défis vers 'une société de l'information pour tous' fondée sur la connaissance partagée. Cette société de l'information se développe à la vitesse grand V!!! Malheureusement, l'accès au cybermonde est très inégal selon la localisation géographique et en cette année 2016 finissante, l'Afrique demeure dans une large mesure, le parent pauvre de la mondialisation numérique: l'écart se creuse entre les pays développés ou émergents et l'Afrique d'une part, et entre les zones urbaine et rurale d'autre part surtout en Afrique... L'implantation des TIC en RDC est symptomatique des écueils auxquels sont confrontés la plupart des pays africains. Il s'agit notamment : de la faiblesse des infrastructures, de l'inégalité d'accès (non universalité), du manque (chronique) de financement, de l'inadéquation structurelle des compétences informatiques... Nous l'illustrons par un état des lieux sans concession. Toutefois, il est de plus en plus rare – heureusement - d'observer dans les pays africains une absence de schéma directeur d'informatisation ou de politique des NTIC. Et le triptyque "Infrastructures à haut débit, ENR et FOSS" peut être le sésame pour le développement raisonné des TIC en Afrique dans le cadre d'une société de l'information ouverte et sécurisée. Aussi, soutenons-nous que la mise en œuvre de politiques de développement TIC éco-responsables alliée à la croissance d'une économie soutenable et à des pratiques innovantes de financement devraient permettre (à l'Afrique) sinon de combler du moins de réduire drastiquement la fracture numérique (par rapport au reste de la planète).*

**Intervention 3. La fracture numérique, le principe d'égalité et le capital humain au cœur du nouveau contrat social numérique** Ranjit Singh - Doctorant, Université Paris 1 Panthéon-Sorbonne (France)

**Intervention 4. Les enjeux législatifs de la transition post-conflit dans la société numérique congolaise** Kodjo Ndukuma-Adjayi - Doctorant et Avocat à la Cour d'appel, Paris 1 Panthéon-Sorbonne (France, République Démocratique du Congo)

Dans le sens de son Livre vert du 30 juin 1987, l'« Europe des télécoms » s'est inscrite dans une dynamique de transformation tant sociale que juridique, imprimée dans ses politiques législatives. Car, « Dans tous les États membres, la vague d'innovation qui résulte de la convergence des technologies de télécommunications et de traitement de données a mené à une réflexion sur l'avenir de l'organisation du secteur des télécommunications et la nécessité d'un ajustement réglementaire ». Par la suite, l'accord spécifique de l'OMC sur les télécoms de base de 1997 a servi de passerelle pour la libéralisation du marché électronique à l'échelon mondial. Ainsi, les politiques de déréglementation opérée aux États-Unis d'Amérique, puis en Europe dans les années 1980, ont-elles permis d'inscrire l'Afrique et la RDC dans la mondialisation des services numériques au cours des années 1990-2000. Entre deux séries de guerres civiles en RDC, de 1996 à 1997, puis de 1998 à 2003, en vue d'accueillir de nouveaux investissements privés, l'octroi des premières licences de téléphonie mobile intervinrent d'abord entre 1989 et 2000, sans aucune législation formelle y afférente. Ensuite, en 2002, les réformes législatives innovèrent par l'apparition de la régulation, dans un secteur public autrefois monopolistique. Suite à la destruction des infrastructures de base ainsi qu'au retard technologique du fait des guerres et de la mal-gouvernance dictatoriale, la lutte contre la fracture numérique demeurait en RDC l'enjeu politique primordial du législateur post-conflit de 2002. Toutefois, la société numérique de l'après-guerre présente une évolution des chiffres encore fort contrastés en RDC. Le nombre d'abonnements à l'internet fixe demeure encore faible, tandis que les possibilités d'accès à l'internet mobile montent en flèche depuis 2009, grâce à la téléphonie GSM. Au regard des statistiques officielles après les lois de 2002, le pays comptait vingt-quatre FAI et quatre opérateurs GSM en 2003, contre dix-sept FAI et cinq opérateurs GSM en 2013. , ,

Par ailleurs, avec la généralisation du numérique et l'expansion rapide de l'internet, la révolution numérique est à la base des transformations de la société et, par conséquent, de la transition de certains points du droit positif. Il est admis que « Le cyberspace devient la nouvelle frontière du monde », engendrant non seulement un « paysage démultiplié » par des évolutions : « du microprocesseur au web 2.0. », « vers l'Internet des choses ». Mais des « enjeux du numérique » apparaissent aussi sur différents axes : « Internet, économie et pouvoir », « Internet, démocratie et politique », « Neutralité et gouvernance d'Internet ». En effet, cette révolution est une source réelle pour le renouveau du droit, tout autant qu'elle est elle-même « la grande innovation de la réglementation ». Certains ont parlé de l'« ubérisation du droit ». En effet, les enjeux numériques, à l'échelle planétaire, se situent dans les mutations sur le mode de vie, sur l'économie, sur les usages sociaux ou professionnels ainsi que sur la gouvernance publique. Là où en France, « l'émergence du réseau électronique confirme le débordement du cadre institutionnel établi en 1958 », le droit congolais pouvait-il se suffire de la déréglementation et « ignorer la révolution numérique ? ». Car, à l'ère numérique, il apparaît une société en réseau dans un système juridique pyramidal : « Allant au-delà d'une simple

*"organisation du conflit entre pouvoirs exécutif et législatif ", nos représentants légitimes n'ont plus forcément la compétence technique requise pour "dire le droit" du réseau.» .*

*C'est ainsi qu'une seconde réforme du cadre juridique congolais post-conflit est en cours en RDC au regard des enjeux de l'ère numérique. Pour l'essentiel, l'enjeu contemporain est de refonder la « souveraineté numérique » de l'État ainsi que l' « ordre public numérique » , en répondant aux questions de sécurité, de confiance, d'inclusion numérique et de développement des usages des TIC. L'objectif affiché est l'appréhension juridique de l'écosystème numérique dans son fonctionnement, sous l'autorité des institutions nationales et de l'ordre juridique national en se référant à l'ordre international ou au droit comparé. La prospective du droit congolais présente une unité d'intention et de but avec le législateur européen et français, à savoir : la primauté de l'ordre juridique national face à l'effectivité des réalités supranationales du cyberspace, notamment les champions économiques du Net, la régulation technique, les nouveaux défis. Mais, pour importer, transporter ou adopter en RDC les solutions de gouvernance du droit comparé européen et français, « les facteurs de législation ainsi que les modes d'action traceront l'objectif dominant de la législation » , en fonction des enjeux communs.*

*Seulement, là où l'Europe a construit son système juridique par un millefeuille législatif, la guerre n'a pas offert à la RDC un schéma progressif, mais révolutionnaire de sa gouvernance numérique. Un impressionnant paquet télécoms des lois porte la réforme globale de cette gouvernance. Il témoigne de la volonté d'effectuer un rattrapage pragmatique du retard post-conflit des tendances et standards internationaux. En effet, les projets des lois du pays recouvrent les artefacts de la révolution numérique dans un fourre-tout législatif typiquement congolais . Par conséquent, il convient d'en analyser la portée politique et juridique. D'où, l'intérêt que nous portons sur les enjeux législatifs de la transition post-conflit dans la société numérique congolaise.*

**Intervention 5. Open Gouvernement : entre illusion numérique ou construction politique ?**  
Grenfieth de Jésus Sierra Cadena - Professeur, Université du Rosario, Bogotá (Colombie)

**Intervention 6. Participación ciudadana en los asuntos públicos en la Ciudad de Buenos Aires**  
Juan Gustavo Corvalan - Ministerio Publico Fiscal de la Ciudad Autónoma de Buenos Aires

La transformación del derecho administrativo presupone otra mutación más profunda: la del rol del Estado y de las grandes categorías del derecho público. En concreto, nos referimos a las nociones de: i) soberanía estatal, ii) Estado de derecho, iii) los principios de división de poderes y de legalidad, entre muchos otros. A la par, se altera la matriz del derecho administrativo que resulta cuando menos obsoleta (el llamado “Régimen de derecho administrativo”). Incluso, su interpretación consagra diversas prerrogativas incompatibles con el Estado constitucional o, según el contexto, de dudosa constitucionalidad o convencionalidad. Pero a la vez, todo esto presupone un trascendental cambio de enfoque para hacer frente a los desafíos inéditos que plantea la sociedad global. De lo binario a lo multipolar, de lo rígido a lo flexible, de lo estático a lo dinámico, de lo simple a lo complejo, del aislamiento/división a la correlación e interrelación, del litigio a su prevención, de la

certeza a la incerteza, de la subsunción a la ponderación. El “sistema operativo jurídico clásico”, en múltiples aspectos, debe transitar hacia una decodificación atravesada por premisas o postulados contrarios a los que estamos acostumbrados.

En el caso concreto de la Ciudad de Buenos Aires, ha sido implementado un sistema de organización en comunas que responde a un movimiento que en Europa se llamó “movimiento descentralizador” que se desarrolló en la última parte del siglo 20, y que tuvo dos antecedentes concretos que la Ciudad Autónoma de Buenos Aires tomó, el caso de Barcelona y de París. Ese movimiento buscaba responder dos cuestiones concretas; pasar de una democracia representativa a una democracia participativa, e intentar que los servicios sean más eficientes.

La Ciudad de Buenos Aires se encuentra organizada en 15 Comunas que se rigen bajo la Ley 1.777 sancionada en 2005. Se trata de unidades descentralizadas de gestión política y administrativa que, en algunos casos, abarcan a más de un barrio porteño.

Las Comunas tienen competencias exclusivas y concurrentes con el Gobierno de la Ciudad. Entre las primeras, se encuentran el mantenimiento de las vías secundarias y los espacios verdes, la administración de su patrimonio, la iniciativa legislativa y la elaboración de su presupuesto y programa de Gobierno.

Esa participación no es igual ni reemplaza a la participación política sino que la complementa y profundiza.

La participación a la que nos referimos supone el involucramiento de los ciudadanos en los procesos de toma de decisiones y en el monitoreo y fiscalización de las políticas públicas, por lo que se diferencia claramente de la participación política (elección) y de la participación social (agrupación).

Cada una tiene un órgano de Gobierno compuesto por la Junta Comunal y su Presidente. Los 7 miembros que componen a la Junta son elegidos por los vecinos en las elecciones y se mantienen en sus cargos por cuatro años. El Presidente de la Junta es aquel que obtiene la mayor cantidad de votos en los comicios.

Además, cada Comuna cuenta con un Consejo Consultivo integrado por representantes de entidades vecinales no gubernamentales, partidos políticos, redes y otras formas de organización con intereses o actuación en el ámbito territorial de la Comuna. Este Consejo asesora a la Junta Comunal y también puede, entre otras cuestiones, canalizar las demandas, presentar propuestas y definir las prioridades.

En la actualidad, y a partir del proceso de traspaso de competencias impulsado por la Secretaría de Descentralización, y con el objetivo de acercar el Estado a los vecinos, las Comunas tienen injerencia en el arbolado, los espacios verdes y el mantenimiento de las

veredas y el asfalto. Asimismo, dentro de las competencias concurrentes, las Comunas ya ejercen el poder de policía a la hora de fiscalizar el uso del espacio público.

La descentralización comenzó a discutirse a partir del establecimiento de la Ciudad Autónoma de Buenos Aires con la Reforma de la Constitución Nacional en 1994. La iniciativa se inscribe dentro de una tendencia mundial que incluye a las más importantes ciudades del mundo como Barcelona, Nueva York, San Pablo y México.



# Systèmes économiques & Gouv. ouverts

**Salle / Hall :** Bibliothèque Cujas - Salle de conférences

**Horaire / Schedule :** 16h40 - 18h00

**Président de séance :** Ricardo Sayeg (Prof. PUC/SP) & Henrique Nelson Calandra (Presidente Associação dos Magistrados Brasileiros - AMB, Desembargador do Tribunal de Justiça do Estado de São Paulo)

**Langue / Language :** Português/Français

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**Intervention 1. Government Transparency and Citizen Participation in light of the principle of Fraternity** Gisele Oliveira Soares - Avocate, São Paulo (Brésil) & Carolina Gladyer Rabelo – Avocate, São Paulo (Brésil), Instituto do Capitalismo Humanista (Brésil)

*Freedom, Equality and Fraternity were the three-dimensional principles of the French Revolution. Alongside with the advent of the republican ideals, freedom and equality have been subject of profound juridical researches. Nevertheless, fraternity has not yet played the main role in legal studies, inspite the fact that fraternity denotes mutual support within a group, implies organization of people with common interests or beliefs. The right to government transparency and its influence in citizen cooperation arises from the fraternity principal. As a consequence, the public participation provides empowerment of the citizens, encourages social control toward common good, which results in government accountability through transparency.*

**Intervention 2. The Government Obligation of Transparency and Digital Accessibility for a Permanent and Updated HDI Data Survey** Ricardo Hasson Sayeg – Professeur, Université catholique pontificale de São Paulo, Ageu Libonati - Avocat, São Paulo (Brésil), Renato Maso Previde – Avocat, Franca (Brésil) - ICH (Brésil)

*Human Rights are subjective birthrights, which arise from the human dignity principle. Their effectiveness is measured by the level of human development of the nations of the earth. This level is objectively parameterized by the HDI (Human Development Index) surveyed by UNDP (United Nations Development Programme). Nevertheless, the HDI is formed by standards of longevity, schooling and income of a population. Thus, considering that a nation's higher HDI means a better development, it is natural that governments desire to shirk or misconduct such index, while, on the other hand, it is a right of each population of the earth that the levels of structure of HDI are presented and digitally accessible, in a permanent form, updated and transparent by each government.*



**Intervention 3. The importance of digitalisation and making the information about work available in the international context** Juliana Ferreira Antunes Duarte - Avocate, Professeur, Université catholique pontificale de São Paulo, Instituto do Capitalismo Humanista (Brésil)

*Work-related data disseminated among members of the International Labour Organization-ILO can influence the shape and the equitable distribution of work, in order to guide public policies of distribution and maintenance of employment: the socio-economic stability. The publishing of the data can still drive best practices and consumption.*

**Intervention 4. The link between economic systems and human rights and the state's duty of transparency in the digital age** Eduardo Garcia de Lima - Avocat, São Paulo (Brésil) & Daniel Carnio Costa - Magistrat et Maître de conférences à l'École de la magistrature de São Paulo (Brésil)

*Do human rights link with economic systems? In other words, is the economic order neutral in relation to human rights? The answer is that the economic order is not neutral in relation to human rights, and, more than that: the allocation of any economic system must be the realization of human dignity, and, consequently, of all human rights. **In the digital era it is the government's duty to disclose violations of human rights**, especially social exclusion due to economic suppression and poverty, which allow gather results from public policies developed in the context of the economic order, aiming the effectiveness of human rights.*

**Intervention 5. Fintechs: a comparative study regarding the regulation in Brazil and the USA** Luiz Gustavo Bacelar - Avocat, São Paulo, Instituto do Capitalismo Humanista (Brésil)

*The transparent dissemination of information regarding public affairs and economic data by the government is required. The emerging trend of startups at the Digital Era has reached the financial sector, with the characteristic of disruption of such enterprises. Meanwhile, governments are struggling to keep up with the latest technologies and put forward by the fintechs, which are already gathering users around their solutions at the Financial System. In this scenario, a comparison between the Brazilian and the North American governments reviews that the problem of regulating, in particular the economic regulation, could affect government transparency and, consequently, the human right of good public governance.*

**Intervention 6. The right to disconnection** Renato Maso Previde, Avocat, Franca (Brésil), Instituto do Capitalismo Humanista

*The Law "El Khomri" (or Labour Law) was published in the French Official Journal of 09.08.2016, after validated by the Constitutional Council. The disconnect here is not about the existence of marginal individual to the technology, but the worker's right not to receive communications or employer's requests during their resting time. Technology has allowed, through free access to this, either smartphones or computers, sending electronic messages during the worker's period of rest, which is bound, by the technological dependence, combined with the employer's hierarchy, responded it, which generates more hours of the employer's disposal, even in moments of rest. There is convergence of this right to a humanistic capitalist economic system, which calls for one of its pillars, social justice.*

**Intervention 7. Humanistic Capitalism and the humanization of economic systems through the internet** Rodrigo Campos Hasson Sayeg – Université catholique pontificale de São Paulo, Instituto do Capitalismo Humanista

*This article seeks to demonstrate how the humanistic capitalist theory, seeks to humanize the economic systems, as well as showing the difficulties it could face. Moreover it also seeks to show how the internet can be used as a medium to surpass such difficulties and attain the goal of humanizing the economic systems and the capitalist logic.*

**Intervention 8. La Finance digitale au Congo** Eudoxie Christelle Mbongo - COTRAMAR (Congo-Brazaville)

*La dernière crise financière mondiale a compromis certains progrès accomplis depuis le début du XXI<sup>e</sup> siècle. Cependant, les tendances sont manifestement favorables en Afrique. De nouveaux acteurs et de nouveaux produits, reposant souvent sur les nouvelles technologies, ont contribué à améliorer l'accès aux services financiers, en particulier aux produits d'épargne et de paiement.*

*Premièrement, nous verrons comment la concurrence peut-être le moteur par excellence de l'innovation financière qui permettra l'approfondissement et l'élargissement des systèmes financiers au Congo en focalisant sur les services financiers plutôt que sur des institutions précises? Dans un environnement économique qui est complexe, interconnecté et imprévisible, quelles sont les forces qui rebattent les cartes de la fonction Finance ? Deuxièmement, nous comprendrons, comment les données ouvertes peuvent transformer quelques handicaps (gouvernance, économie informelle) de notre économie en des opportunités pour développer un système financier prospère ? Dans la cadre de la dimension humaine, comment atteindre la frontière qui permettra de transformer la population bancable en population bancarisée et de la repousser vers l'extérieur en transformant la population non bancable en population bancable (les entreprises et les ménages non bancarisés en clients potentiels et, au final en clients effectifs des banques) ? Et enfin, nous appréhenderons, comment cette transformation nécessite un effort d'alphabétisation financière en faveur, tant des ménages que des entreprises ?*

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## Gouvernance de l'Internet & Gouv. ouverts

**Salle / Hall :** IRJS - Salle des séminaires

**Horaire / Schedule :** 16h40 - 18h00

**Président de séance :** Bernard Benhamou (*Secrétaire général de l'Institut de la Souveraineté Numérique - Enseignant sur la gouvernance de l'Internet - Université Paris 1 - Panthéon-Sorbonne*)

**Langue / Language :** Français

En l'espace de quelques années, les instruments fondamentaux de la souveraineté sont devenus indiscernables des outils de la puissance technologique. L'architecture et la gouvernance du réseau sont devenues le nouveau théâtre des conflits internationaux entre États mais aussi entre les acteurs industriels. De nouvelles tensions internationales liées à la volonté de contrôle politique du réseau prennent appui sur l'architecture et la gouvernance de l'Internet. De plus, les révélations d'Edward Snowden sur l'étendue des programmes de surveillance de la NSA, si elles ont suscité de légitimes inquiétudes auprès des citoyens, et commencent à voir d'importantes conséquences industrielles pour l'ensemble des acteurs de l'Internet. En effet, en remettant en cause la confidentialité des échanges sur Internet, les pratiques de la NSA ont modifié profondément la perception de la sécurité et de la vie privée sur Internet. L'affaire Snowden pourrait aussi être à l'origine des changements majeurs dans l'architecture et dans la gouvernance mondiale de l'Internet. En effet, la Gouvernance de l'Internet ne doit plus être uniquement envisagée comme une régulation « a posteriori » des édifices technologiques mis en place par les industriels mais bien comme une co-élaboration des normes et standards qui devront être intégrés « a priori » au cœur même de ces technologies. Ces évolutions devront aussi s'accompagner d'une meilleure prise en compte par les États des évolutions technologiques qui sous-tendent la Gouvernance mondiale de l'Internet afin de préserver les principes qui ont permis le développement de l'Internet.

**Cette présentation de 40 minutes sera suivie d'un échange avec les participants.**

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**Les perspectives de la gouvernance mondiale De l'Internet après Snowden** Bernard Benhamou - Secrétaire général de l'Institut de la Souveraineté Numérique - Enseignant sur la gouvernance de l'Internet - Université Paris 1 - Panthéon-Sorbonne (France)

En l'espace de quelques années, les instruments fondamentaux de la souveraineté sont devenus indiscernables des outils de la puissance technologique. L'architecture et la gouvernance du réseau sont devenues le nouveau théâtre des conflits internationaux entre États mais aussi entre les acteurs industriels. De nouvelles tensions internationales liées à la volonté de contrôle politique du réseau prennent appui sur l'architecture et la gouvernance de l'Internet. De plus, les révélations d'Edward Snowden sur l'étendue des programmes de

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# TUESDAY 6 DECEMBER 2016

ACADEMIC DAYS ON OPEN GOVERNMENT ISSUES PARIS   5 & 6 déc. 2016							IMDEV Institut de Recherche Juridique de la Sorbonne	UNIVERSITÉ PARIS 1 PANTHÉON SORBONNE	Planning - version 19 MARDI 6 DECEMBRE 2016
	FIE Salle du Théâtre	Bibliothèque Saint Barbe Amphithéâtre	Bibliothèque CUJAS Salle de Conférences	Bibliothèque CLUAS Centre	IRJS Salle des Séminaires	IRJS Salle des Professeurs	Amphithéâtre Bachelard Sorbonne		
09:30	Right to information & Open Gov.	Accountability, Public management, & Open Gov	Villes Intelligentes & Gouvernements ouverts	Ateliers Jeunes Recherches	Souveraineté & Gouvernements ouverts	Art & Open Gov.			
10:40									
10:55	Corruption & Gouvernements ouverts 1/2	Where to next? OGP et 5 years	Open Access & Open Research	Nouveaux mérites et participation citoyenne	Local Government & Open Gov.	Jeunes chercheurs Atelier Vie privée & Gouvernements ouverts			
12:15									
Repas / Lunch									
13:30	Transparence gouvern., droit d'accès à l'info & Gouvernements ouverts	Learning to Open Gov Lessons & Reflexions	Net Neutrality & Open Gov.	Communes & Gouvernements ouverts	Open Source & Open Gov.				
14:30									
15:05	Corruption & Gouvernements ouverts 2/2	Privacy & Open Gov.	European Union & Open Gov.	Young Researchers Workshop Tax Law	Open Data et réutilisation de l'information publique				
16:25									
16:40	Open Justice 2/2	Cybersurveillance, security & Open Gov.	Open Parliament & Open Gov.	Climate, Environment & Open Gov.	Big data & Gouvernements ouverts				
18:00									
19:00							Local M.D. Saint-Jacques Centre Sorbonne		
20:00							Cérémonie de clôture / Closing Ceremony Remise des diplômes Master 2 Promotion 2015-2016		
20:30									

- [Université Paris 1 Panthéon-Sorbonne - Centre Sorbonne, 14 rue Cujas - 75 005 PARIS](#)
- [IRJS - Institut de Recherche Juridique de la Sorbonne - 4 rue valette - 75 005 PARIS](#)
- [Bibliothèque interuniversitaire Cujas - 2 rue cujas - 75 005 PARIS](#)
- [FIE - Foyer International des Étudiantes - 93 boulevard Saint-Michel - 75 005 PARIS](#)
- [Bibliothèque Sainte Barbe - 4 rue valette - 75 005 PARIS](#)

# Right to Information & Open Gov.

**Salle / Hall :** FIE - Salle du Théâtre

**Horaire / Schedule :** 9h20 - 10h40

**Président de séance :** Margaret Allars (Professor, University of Sydney)

**Langue / Language :** English

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**Speech 1. Freedom of Information Legislation in Australia: A Review** Margaret Allars - Professor, University of Sydney (Australia)

*Freedom of information legislation is in place at the federal level and in each State and Territory of Australia. Significant reviews of the federal and NSW Acts occurred in the period 2009 to 2010. The focus was twofold. First, there was a common attempt to refine the understanding and role of the public interest test, which forms part of a number of the exemptions from the legally enforceable right of access to documents held by agencies subject to the Acts. Second, there was an objective of establishing appropriate mechanisms for external review of access decisions. However arrangements for the administration of the federal Act, established only recently, have fallen into a period of uncertainty. Debate continues as to the adequacy of some exemptions. Live issues are the administration and improvement of the federal information publication scheme for open access and the adequacy of the Act to respond to technological change and increased concerns in the context of security, intelligence and law enforcement.*

**Speech 2. Protection of fundamental rights in the light of freedom of information** Attila Peterfalvi - President of the National Authority for Data Protection and Freedom of Information (Hungary)

**Speech 3. Transformations in International Civil Society Organisations working towards a Greater Access and Use of Governmental Informational Resources** Silvana Fumega - Fellowship, University of Tasmania (Australia/Argentina)

*In less than a decade, the concept of accessing governmental information has been extended beyond mere access to information (via Freedom of information/FOI legislation) to demands for raw digital data, known as Open Government Data (OGD).*

*The predominant legal orientation in the FOI field has until recently ignored or downplayed the role of organised civil society actors (Non-governmental Organisations/NGOs) in the literature. On the other hand, in relation to OGD, the level and dynamic interplay of the field has outpaced the capacity of scholars to supply rigorous analysis of OGD developments particularly in relation to NGOs. This thesis seeks to fill that gap in terms of knowledge regarding NGOs working (internationally) on the access to and use of government information and data, as key players in policy diffusion processes.*



In particular, the literature shows that ICT has a profound impact on the structure of all organisations. Due to the limited scholarship in these areas (NGOs in FOI and OGD and the impact of ICT in these organisations), elements from the existing research on other aspects of FOI and NGOs are included, together with elements of the impact of ICT in other organisations.

The influence of ICT in these international organisations highlights the differences not only between FOI and OGD but also among organisations. While some organisations are organically and intellectually shaped to operate in a digitally dominated environment others are just starting to adapt to this new way of operating. By analysing the crucial impact of ICT in these organisations, the different influence in each of the fields and within them can be clearly understood.

#### **Speech 4. Citizens' right to know Michael Gøtze – Professor Ph.d, University of Copenhagen**

The level of citizens' knowledge of their rights and the content of the government's duty to provide information about rights are basic challenges to the EU. A study by the EU Ombudsman shows that some 72 % of European citizens do not feel informed about the EU Charter of Fundamental Rights. A further 13 % have never heard of the Charter (March 2011, EU Ombudsman). This substantial lack of knowledge of EU rights is a problem in itself in EU law. My proposal for a paper aims at outlining the citizen's right to information as an evolving concept on a European and national backdrop. The project invites to comparative studies of various national regulations on the duty to inform as part of e.g. usage of digital communication. The project can also be incorporated into e.g. the ongoing study of Ombudsman and Human Rights.

At this stage, EU law does not encompass a general principle of active information of EU rights. However, the ECJ has laid down basic principles which must be observed by national courts and authorities in claims involving EU law. Such authorities cannot discriminate between national law and EU law and is required to ensure that remedies for breach of EU law guarantee the full and effective protection for citizens' EU rights. So far there are no specific case law of the Court requiring national authorities to ensure an equal level of information of citizens of EU rights as of domestic rights or to provide citizens with active information of EU rights. However, a new legal approach might be evolving. As to a duty of information the Court or e.g. the EU Ombudsman may find partial inspiration in secondary EU legislation. Thus significant Directives encompass explicit provisions on information within their ambit. An emphasis on proactive information activity is included in e.g. the Services Directive (Directive 2006/123/EC of 12 December 2006). The Directive requires Member States to establish points of single contact ensuring effective access to all national procedures and formalities on service activities. Likewise, the Patients' Directive (Directive 2011/24/EU of 9 March 2011) requires proactive information of healthcare.

Last but not least, the legally binding EU Charter on Fundamental Right is of interest for the evolution of a right to effective information. The Charter is directed to EU institutions. In addition, Member States are bound by the provisions of the Charter when they are implementing EU law. Article 41 of the Charter stresses the citizen's right of good administration as not only a right but as a fundamental right.

**Speech 5. ICT acceptance in the Greek justice system: the case of the Integrated Civil and Criminal Court Case Management System (OSDDY) (Lighting Talk) Athanasios Deligiannis – OGP IRM for Greece (Openwise) / Department of Informatics and Telematics, Harokopio University of Athens, Greece**

*The Greek Ministry of Ministry of Justice, Transparency and Human Rights (MoJTHR) has committed itself through the country's third Open Government Partnership Action Plan to significantly improve access to court data and documents. A necessary prior step in achieving this is the adoption and use by judges and court clerks of a new Integrated Civil and Criminal Court Case Management System (OSDDY), the first such ICT system to be introduced in Greece. The research sample consisted of 101 judges (N=56) and court clerks (N=45) working at the Courthouse of Thessaloniki (Criminal and Civil Court and Court of Appeal, Thessaloniki). The study presents the usage patterns for judges and clerks of current ICT in courts as well as the acceptance, degree of perceived usefulness, perceived ease of use and user intent to work with the new OSDDY system. The results also highlight the sample's perceived benefits and risks of using the new ICT system.*

**Speech 6. Promoting access to information and open government in the Civil Society Christian Anker - Head of the Promotion Unit - General Direction - Consejo para la Transparencia (Council for Transparency) (Chile)**

*This presentation shows the strategies developed by the Council for Transparency to promote and expand the right to information and the open government in Chile, (related to the OGP compromises), showing educational strategies, campaigning policies and other media methodologies that enhance citizenship participation in connection with information right issues. Especially I want to focus in the educative platforms ([www.educatransparencia.cl](http://www.educatransparencia.cl)) and the citizen participation policy of the Council for Transparency of Chile.*

*Since 2009 we have trained more than 60.000 persons in face to face (across the Chilean country) and in e-learning programs related to access to information and Open Gov. with different educational methodologies focused in civil society: We develop workshop with Civil Society in rural sectors to help them to resolve specific social and biographical problems.*

*We saw that the principle areas where citizens demand public information are those related to social needs like health, housing and education so we built a focalized strategy with civil society related to these areas. Accessing to information and using open data the civil society can claim for social and economic rights.*

*Also we work with formal students of primary and second education, also with teachers and parents. We believe that the implementation of a culture of transparency in the educational sector brings benefits to enhance the trust in the bodies of the State as well as for the citizenry: Transparency and openness produces public value.*



# Accountability, Public Management & Open Gov.

**Salle / Hall :** Bibliothèque Sainte Barbe - Amphithéâtre

**Horaire / Schedule :** 9h20 - 10h40

**Président de séance :** Florent Pralong (Associate Professor - University Paris 1 Panthéon-Sorbonne - France)

**Langue / Language :** English

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**Speech 1. Four Ways in Which Social Accountability and Open Government Interventions Bridge the State and Society** Maria Florencia Guerzovich- Professeur, Politisa ESAG, Universidade do Estado de Santa Catarina (Brasil)

*What does Social accountability and open government approaches to improve the provision of public goods and services increasingly prioritize collaboration, constructive engagement, and co-production between state and civil society actors. This explosion does not come in a one-size fits all model of collaborative engagement. Yet, we know little about the conditions under which different forms of collaboration evolve and bring about change. This paper seeks to contribute to the literature and practice of collaborative engagement by presenting a typology of state-society bridges through social accountability and open government interventions.*

*It identifies four types of collaborative engagement - inclusive, targeted, restrictive and detached - as a result of a theoretical-empirical exercise that focuses on the interaction between context, strategy and organization as three interrelated variables that jointly have greater potential to account for results than each one of them separately. To operationalize the variables, the paper identifies four key dimensions in the literatures and practices of social accountability, open governance, and co-production of public services and control. These are: (i) capacities of the partnership; (ii) harness the context; (iii) complexity of strategy; (iv) adaptability for learning. The paper then illustrates the types and the potential of this heuristic device for understanding when, how and why different forms of collaboration could shape change on the ground, by looking into a series of local social accountability and open governance interventions in select Brazilian cities. Our initial focus is research conducted in 2015 and 2016 about initiatives across Brazil that bring together citizens and CSOs (including professional and business associations) - use the expertise of local citizens/professionals to help (working with) public agents to reduce corruption and the waste of public resources, the lack of qualification and the discontinuity in public policies, projects and services. We then extend the analysis to other Brazilian interventions, including state-led ones.*

*The Brazilian experience suggests that, in the implementation of collaborative open government and social accountability strategies, the actions (as opposed to static plans or structures) serve as bridges between components of the state and elements of the societies to*

which they belong. Different types of bridges can help make inroads in understanding the potential and limits of state-society engagement to tackle public policy and governance problems. It is important to consider that the diverse local political contexts in which action happens shapes and, over time, can be shaped by their organizational structures and strategies that make up different forms of engagement. Yet, progress is neither automatic nor guaranteed, strategies can revert in less promising directions. In fact, state-society collaboration fits with context, strategy and organization and delivers after cycles of experimentation and learning rather than as one-shot instances of engagement.

**Speech 2. The Impact of Open Government: Assessing the Evidence** Vanessa Williamson - Fellow, Governance Studies, The Brookings Institution (United States)

This report reviews the empirical literature examining the impact of open government on government efficiency, public accountability, and quality of life, and develops recommendations for policymakers and an agenda for new research. From an analysis of hundreds of reports, articles, and peer-reviewed academic studies, we build a six-point checklist for open government proponents to give their reforms the highest likelihood of success. We conclude that open government works when strong and broad channels of influence give people, and especially poor or otherwise disempowered people, the capacity to respond to the information they receive. We also find that, while policy evaluation has become substantially more sophisticated in recent years, there remain crucial gaps in the body of research as a whole. In particular, there is a vital role for researchers, particularly those who have been effective in rigorously testing transparency measures, to reapply their evaluative skills to identifying the open government initiatives that allow poor and other traditionally disenfranchised groups to overcome the problem of collective action and assert their authority over government.

**Speech 3. A legal perspective on the barriers posed by differing data storage standards, and the role of standardisation as a driver for innovation** Carullo Gherardo - Researcher, Universit of Milan (Italia)

The spread of digital tools can not only simplify administrative tasks, thus allowing - among others - greater efficiency, but may also expand the opportunities of participation from interested parties. To achieve this result, however, it is necessary to implement proper communication systems amongst public administrations, which requires that ICT systems deployed by each subject can exchange data with other systems.

The way in which data is digitally stored is often very different though. The aim of the paper is to identify an abstract way to treat the raw data held by public authorities, one that is capable of overcoming any barrier posed by the current fragmentation of the technologies used by administrations to store data. The paper will in particular analyse the management and organizational measures needed to make e-government possible through interoperability and data-exchange.

*In this perspective, the paper will also discuss how standardized and interoperable systems for the management of data could respond to the needs and the challenges posed by globalization. In particular, the adoption of digital tools can strengthen the role of the European Union as a cooperative area, and not only competitive, able to participate and contribute to a sustainable development, interacting with the new needs posed by globalization: increased mobility of people, climatic changes, corruption, etc.*

*If that were the case, citizens, undertakings and other public or private bodies could more easily access the data they need. A more efficient and agile access to public information could bring benefits, therefore, to a multitude of subjects. Consequently, this could not only simplify the administrative action, making it more efficient and economical, but it could also improve the lives of citizens and could, above all, boost economic activity by providing faster access to the tools businesses need.*

**Speech 4. Is Feedback Smart?** Megan Campbell - Manager of Research and Learning, Feedback Labs (United States)

*The presentation of the 'Is Feedback Smart?' paper examines the evidence for whether the collection, analysis and use of citizen feedback can lead to better governance outcomes. Drawing on literature reviews from across the fields of governance, philanthropy and international development, the paper describes the theoretical underpinnings that suggest citizen feedback can lead to better outcomes, examines the evidence for and against this proposition, and proposes heuristics for the circumstances under which citizen feedback can lead to better results.*

**Speech 5. Mélanie Robert** - Executive Director, Information Management and Open Government, Chief Information Officer Branch - Treasury Board of Canada Secretariat / Government of Canada

**Speech 6. Developing a Data Responsibility Approach to Open Gov** Stefaan Verhulst - Chief of Research, The GovLab NYU

**Speech 7. The accountability of the French Public Finances' Officers in the Open Government** Maya Bunod - PHD Student, University Paris 1 Panthéon-Sorbonne (France)

*One of the main ambition of Open government is to " enhance citizens ' participation in decisions that affect them ". With a broader participation of citizens in the law-making process, there is a hope to strengthen Democracy. However, as Irene Bouahadana explains, transparency might not always be the better mean to reach that goal. Giving too much information may be counterproductive, but it can also provide a real power of surveillance to citizens in the public policy making process. The example of the effect of Open Government on public management and accountability regarding the public finances topic shows us an ambiguity that may appear between several aspects of Open Government, more precisely, between transparency, participation and accountability of public actors. The French public administration, which prepares public finances' law projects, is a hierarchical administration where a decision cannot be made without the validation of the upper hierarchy. However, since 2001, there is a*

movement of reform that tries to transform the public administration by providing a broader autonomy to public agents. In the public finances area, it implies a important mutation of the expenses and recipes' chains by slightly reducing the liability of public accountants, a key piece of the public finances execution mechanism. Even though that evolution does not seem to be directly related to Open Government, it is in reality the beginning of another transformation. There is an implementation of a collaborative dynamic between all actors of the execution of public finances.

**However, does it mean that we have reached the point of having an efficient openness in the public finance area reinforced by an effective accountability of all actors? That is not certain. In fact, the degree of accountability depends on whether the individual is a part of the administration that prepared the laws voted by the parliament, or direct the execution of public finances laws or execute those laws. In the digital era, citizens have a much better knowledge of public expenses executions because of a law on public budget transparency that is probably instituted to balance the lack of accountability of the political branch of the executive power. Through a collaborative system and because of the installment of New public management criteria, there is also a new balance of accountability between the public finances' executants that impact the openness of public finances' information.**

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# Villes intelligentes & Gouv. ouverts

**Salle / Hall :** Bibliothèque Cujas - Salle de conférences.

**Horaire / Schedule :** 9h20 - 10h40

**Président de séance :** William Gilles (Université Paris 1 Panthéon-Sorbonne)

**Langue / Language :** Français

*L'impact des nouvelles technologies de l'information et de la communication s'illustre en particulier dans les villes. Le caractère intelligent ne s'arrête pas uniquement à l'usage des NTIC, mais à une redéfinition de la ville du XXI<sup>e</sup> siècle.*

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**Intervention 1. Les villes intelligentes : rupture ou recomposition du principe d'égalité à l'ère des gouvernements ouverts ?** Irène Bouhadana & William Gilles - Directeurs du Master 2 Droit des données, des administrations numériques et des gouvernements ouverts, Université Paris 1 Panthéon-Sorbonne, Secrétaire générale et Président de l'IMODEV (France)

*Les gouvernements ouverts sont censés favoriser la participation citoyenne, l'accès à l'information de tous, objectifs qui sont favorisés par l'utilisation d'outils numériques sur lesquels s'appuient les villes intelligentes. Se pose la question de savoir si les bénéficiaires de ces modèles innovants profitent à l'ensemble des citoyens ou à certains d'entre eux. En d'autres termes, à l'ère des gouvernements ouverts, les villes intelligentes œuvrent-elles en faveur d'un renforcement du principe d'égalité ?*

**Intervention 2. Le principe d'égalité dans les villes éco-intelligentes** Marcel Moritz – Maître de conférences, Université Lille 2

**Intervention 3. Webcasting comme moyen de démocratie participative pour les pays d'Afrique** François Famu Tamuzo – Directeur de système d'information

*Ayant participé au projet de eDemocracy via le Webcast avec 10 villes européennes, j'ai proposé le concept au Cameroun avec la participation de 45 communes voir article ci-dessous :*

*Une quarantaine de maires sensibilisés sur la question à la faveur d'un séminaire organisé par les CVUC.*

*Les élus locaux veulent moderniser leur communication en direction des populations. Et pour le faire avec succès, le président des Communes et villes unies du Cameroun, Emile Andze Andze, pense que Internet et ses multiples services peuvent être mis à contribution à l'avenir. Sur le terrain, on imagine que les populations pourront se servir de la toile pour demander des comptes au conseil municipal, en plus de prétendre au e-Learning un peu partout au Cameroun.*

*Le boulevard serait ainsi ouvert pour « la démocratie électronique » Loin d'être une vue de l'esprit, cette question a été débattue hier au cours d'un séminaire organisé à l'hôtel Djeuga Palace. Autour du président des CVUC, on a retrouvé une quarantaine de maires des communes d'arrondissement de toutes les communautés urbaines et des partenaires français du projet venus de Imediaxe France. François Fumu Tamuzo et Anatole Essama ont donc vanté toutes les vertus du « Web Citizen Services ». Le projet est arrimé à l'Union européenne. Les experts affirment que dans sa phase de mise en œuvre, cette innovation technologique va permettre aux collectivités territoriales décentralisées de s'ouvrir au monde. Et pour Emile Andze Andze, cette ouverture, « c'est bénéficier en prime de l'information, c'est avoir accès à une multitude d'opportunités et au campus universel, avoir accès à une intelligence collective d'une taille et d'une vitesse inédites ». Au-delà des avantages qu'il peut procurer aux populations des différentes communes, le séminaire organisé hier se situe également dans la perspective de voir naître au Cameroun, le tout premier « Web Citizen Services »*

**Intervention 4. L'enjeu de la mobilité pour les villes intelligentes Shirley Plumerand - Doctorante, Université Paris 1 Panthéon-Sorbonne**

La diffusion massive d'Internet et le partage de données fondent les objectifs des gouvernements ouverts en permettant aux citoyens de s'informer et de s'engager tant dans le monde entier qu'au sein d'un territoire donné. La ville intelligente, dont l'un de ses principaux enjeux est la mobilité, est pleine de promesses pour ses habitants. Les États et les collectivités territoriales seront amenés à créer ou moderniser les infrastructures physiques, concevoir et déployer des réseaux de communication pour une gestion intelligente de leurs villes et développer de nouveaux services tout en impliquant le citoyen, acteur principal pour réinventer sa propre mobilité.

**Intervention 5. Les enjeux des données ouvertes liées à la mobilité vus par leurs utilisateurs Valentyna Dymotrova - Chercheure postdoctorale, Université de Lyon**

*L'utilisation des données ouvertes est généralement considérée à la fois comme un outil contribuant à une plus grande transparence de l'administration et à sa modernisation et comme un facteur de développement des villes intelligentes, assurant une croissance économique et une innovation technologique tout en profitant aux citoyens (Chignard, 2013 ; Kitchin, 2014 ; Broudoux, Chartron, 2015 ; Paquienséguy, 2016). Comme la mise à disposition des données ouvertes, y compris liée à la mobilité a été récemment impulsée par les cadres législatifs nationaux (loi Macron, 2015, loi NOTRe, 2015, loi Valter, 2015 et loi Lemaire, 2016) la dynamique d'utilisation de telles données mérite une analyse approfondie, tant elles sont stratégiques.*

*En mobilisant les premiers résultats du projet ANR-14-CE24-0029 « Fostering Uses and Usages of Open Sensor Data in Smart Cities », porté par l'Institut Henri Fayol de l'Ecole des Mines de Saint Etienne et le laboratoire ELICO de l'Université de Lyon, cette intervention analyse les pratiques, les besoins et les attentes d'utilisateurs du portail des données métropolitaines [data.grandlyon.com](http://data.grandlyon.com).*

Qui sont ces utilisateurs des données du portail métropolitain lyonnais ? Quels usages font-ils des données ouvertes ? Comment les usages des données ouvertes s'inscrivent-ils dans leurs pratiques professionnelles ? Quelles sont leurs attentes et leurs besoins par rapport aux jeux de données ?

Nos résultats éclairent la dynamique d'utilisation des données ouvertes en France et interrogent entre autre les définitions de la notion d'utilisateurs professionnels, qui sont en fait des réutilisateurs, à la fois producteurs, exploitants et diffuseurs de données. Ces fonctions rendent-elle bien compte de la diversité des acteurs qui se différencient par leur statut, leur métier et leur position dans la chaîne allant de la production à l'exploitation de la donnée ouverte ?

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# Souveraineté & Gouv. ouverts

**Salle / Hall :** IRJS - Salle des séminaires.

**Horaire / Schedule :** 9h20 - 10h40

**Président de séance :** Elvira Talapina (*Senior Scientific Officer, Institute of State and Law* Institut de l'État et du Droit - Moscou)

**Langue / Language :** Français

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**Intervention 1. Localisation des données, big data et souveraineté** Jean-Jacques Lavenue - Professeur, Université Lille 2 (France)

**Intervention 2. "De l'administration numérique au gouvernement ouvert: réflexion sur la coexistence de deux notions au regard de l'expérience de la Fédération de Russie** Elvira Talapina - Senior Scientific Officer, Institut de l'État et du Droit - Moscou (Russie)

Les avantages numérique pour l'accessibilité de l'administration / Les technologies online : citoyen – administration / Les limites de l'accès à l'information.

**Intervention 3. La souveraineté numérique en France : apports et carences de la loi Lemaire** Thomas Honnet – Doctorant, Université Paris 1 Panthéon-Sorbonne

*Nous savons depuis les travaux du constitutionnaliste américain Lawrence Lessig que les réseaux et leurs architectures sont politiques et porteurs d'idéologies, et qu'une régulation et un encadrement de ceux-ci semblent indispensables si nous voulons conserver et imposer nos valeurs et nos corpus politico-juridiques.*

*Aujourd'hui malheureusement, la France est en retard dans ce domaine et ne régule pas, ou mal, de larges pans des activités du Cyberspace. C'est pourtant toute la place de la France dans ce nouveau monde – plus si nouveau ! – qu'il convient de penser si l'on souhaite conserver une place d'influence vis-à-vis de ces enjeux mondiaux.*

*Les enjeux de souveraineté numérique ont tendance à se focaliser sur les questions de fiscalité numérique, alors que celles-ci n'en sont qu'un outil, un moyen. De nombreuses autres questions restent sans réponse : quel doit-être le rôle de la France dans l'établissement des normes techniques qui régissent le Cyberspace ? Quid de celui concernant l'attribution des noms de domaine ? Comment réaffirmer nos standards techniques et juridiques vis-à-vis du monde numérique, notamment la surveillance de masse, la protection des données personnelles ou la propriété intellectuelle ? Etc.*



*La loi Lemaire, qui répond au nom ambitieux de « loi pour une République Numérique », a-t-elle permis à la France de rattraper son retard sur ces questions ? A-t-elle permis de définir un cadre concret et à la hauteur de ce que devraient être les contours d'une véritable « République numérique » ?*

**Intervention 4. La conciliation entre souveraineté étatique et citoyenne avec les gouvernements ouverts Sarah Saldmann - Doctorante, Université Paris 1 Panthéon-Sorbonne**

Si la souveraineté est un principe cardinal dans un Etat de droit, celle-ci doit continuellement être adaptée à l'ère du numérique. En effet, les gouvernements ouverts visent la transparence et le renforcement démocratique. Cependant, un gouvernement ouvert peut présenter une appréhension pour la "souveraineté des citoyens". En manquant d'informations, ceux-ci peuvent voir davantage d'inconvénients aux gouvernements ouverts. Dès lors, une conciliation doit s'opérer entre la préservation d'une souveraineté étatique et citoyenne parallèlement à l'expansion des gouvernements ouverts.

## Art & Gouv. ouverts

**Salle / Hall :** IRJS - Salle des Professeurs

**Horaire / Schedule :** 9h20 - 10h40

**Président de séance :** Yann Toma (*Professeur des Universités à Paris 1 Panthéon-Sorbonne, Directeur de l'équipe de recherche Art&Flux (Art, Diplomatie, Innovation), Institut ACTE / (Arts/Création/Théories/Esthétiques), UMR 8218, CNRS. Responsable Scientifique ANR ABRIR (2014-2017) Responsable des Relations Internationales de l'UFR04 de Paris 1 Panthéon-Sorbonne. Delegate of United Nations Academic Impact's Global Hub on Human Rights. Delegate for the Paris 1 Panthéon-Sorbonne & Focal Point of the Academic Impact of United Nations*)

**Langue / Language :** Français

# Corruption & Open Gov. 1/2

**Salle / Hall :** FIE - Salle du Théâtre

**Horaire / Schedule :** 10h55 - 12h15

**Président de séance :** Daniel Carnio Costa (Magistrat, São Paulo - Brésil)

**Langue / Language :** English/Português

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## **Speech 1. Technology Creep and the Corruption of the Criminal Justice System** Morgan Cloud - Charles Howard Candler Professor of Law (États-Unis)

*This paper examines how the United States Department of Justice (DOJ) has sponsored the transfer of advanced cell site simulator technology, originally invented for use by the military in Iraq and Afghanistan, into domestic law enforcement. The paper focuses upon open government issues, specifically the DOJ's years of extraordinary efforts to prevent the public, the press, litigants, criminal defense lawyers, and even the judiciary from learning about the use of this technology in the investigation and prosecution of state and federal crimes. These efforts continued until September 2015, when the DOJ and Department of Homeland Security finally acknowledged the existence and use of this technology in the domestic criminal justice system. I have checked several sessions (Workshop Thematic / Thématique de table ronde) for which this paper is relevant.*

## **Speech 2. Electronic court auction as anti-fraud tool** Gianfrancesco Genose - Professeur, São Paulo School of Advanced Studies in Public Management and Finance (Brésil)

*The Judiciary Branch as any state apparatus is liable to be the subject of fraud and favor the formation of mafias. The expropriation power of the judiciary allows the compulsory seizure of assets of the debtor and his destination to its public sale in order to satisfy the debt previously recognized for this same judiciary. However, the realization of these public auctions can be riddled to fraud in that these are restricted and accessible to as only a small group of people, regarding the possibility of offering bids, as well as monitor its fairness and legality. To the extent that the auction is carried out through electronic means, specifically the internet, the access to both bids as smoothness control and legality becomes diffuse and totally uncontrollable by alleged mafias that existed in the past. There is no doubt so the efficiency of the auction through electronic means as fraud instrument of judicial expropriation power.*

## **Speech 3. Fighting Corruption with Evidence** Ho Yuen - MIT J-PAL (United States)

I will discuss several seminal randomized evaluations conducted by J-PAL affiliates on the topic of reducing corruption and leakages as well as emerging policy lessons from the literature. Throughout, the presentation will discuss how rigorous impact evaluations are

relevant to and can inform policy. Specifically, I will discuss four examples from India and Indonesia covering the following topics: improving the transparency and delivery of a subsidized rice program in Indonesia; combating corruption in community development in Indonesia; improving third-party audits and regulatory compliance in India; and improving governance through biometric authentication and secure payments in India.

**Speech 4. The fight against corruption in Cameroon** Pierre Belebenie - Lecturer, University Paris 1 Panthéon-Sorbonne

Since Cameroon became independent in 1960, this country has always been known as a very corrupt country. It means that corruption is not a new phenomenon, but it is worth mentioning that it has grown exponentially over the past 56 years. As a matter of fact, in 1998 and 1999, not surprisingly, Transparency International revealed that Cameroon was the most corrupt country in the world. After having carried out another survey between 2014 and 2015, Transparency International came up this time with the information according to which corruption is widespread in the police so much so that this institution is the most corrupt Cameroonian administration, followed notably by Tax services and tribunals. What then is meant by « corruption »? There is no doubt that grasping the real definition of this notion is likely to assist in finding the appropriate anti-corruption strategies. But it should be pointed out that there are as many definitions as the many academics and scholars who have attempted to define this notion. In examining the Cameroonian Criminal Code, it is found that the term « corruption » is not defined; however, it is noted that the said Code deals with many forms of corruption, such as bribery, embezzlement and fraud. The fight against Corruption in Cameroon through Good Governance consists of a twofold legal framework; on the one hand there are laws designed to deter or to sanction acts of corruption, and on the other hand, there are institutions aimed at illegal practices eradication. Besides the Criminal Code and many other laws, article 66 of the 1996 Constitution is the perfect deterrent in the sense that the President of the Republic, the Prime minister, ministers, governors, senators, to name but a few, shall, for the sake of transparency, declare their assets and property at the beginning and at the end of their tenure. Cameroonian authorities have so far failed to enforce these provisions, thus leaving wide open the door to illegal practices. As regards institutions, the National Anticorruption Commission and the Special Criminal Court are the institutional pillars in the fight of corruption. But obviously, the fight against this deep rooted phenomenon in Cameroon is far from being a success. Instead, corruption is worsening day after day and everywhere, the reason being that it has never been tackled seriously. In the meantime, impunity is real whereas law enforcement is an illusion; embezzlement is the favourite game of those who are in power when low salaries are given to civil servants who, in fact, can only make the ends meet thanks to illegal practices. Be that as it may, the best way to tackle corruption is to cure its causes, once they have been thoroughly identified.

**Intervention 5. Government transparency, and the war on corruption** Marco Antonio Marques Da Silva - Phd, Senior Professor at PUC - SP, member of the supreme state court of São Paulo (Brésil)

Transparency of government activities is one of the most effective instruments in the prevention and fight against corruption. Various events, in different parts of the globe, indicate the necessity of effective measures with the aim to control and to make the services provided by the government transparent. Some places, like Italy for example, had the best success in the fight against corruption by utilizing legal but strong measures. In Brazil, due to its lack of transparency, through various clandestine relations between government bodies and private institutions, generated various illicit activities and a corrupt system which the likes have never been seen before, Therefore, is unequivocal that the actions of all sectors of the government must be more public, transparent and visible, not only to satisfy the populace but also to avoid such illicit and disprovable conducts.

**Intervention 6. The Dip Financing in the Brazilian Judicial Restructurings: Regulation, Transparency and effectiveness Alexandre Borges Leite - Post Graduation in Business Administration, Instituto do Capitalismo Humanista (**

*This article demonstrates the importance of the regulation of financing in Judicial Restructuring and Recovery, especially Dip Financing, so that company with momentary economic difficulty can effectively restructure itself maintaining its social function, in the perspective of humanist capitalism, with transparency for those players.*

## Where to next ? OGP at 5 years

**Salle / Hall :** Bibliothèque Sainte-Barbe - Amphithéâtre

**Horaire / Schedule :** 10h55 - 12h15

**Président de séance:** Joseph Foti (*Program Director, Independent Reporting Mechanism, Open Government Partnership*)

**Langue / Language :** English

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### **Speech 1 - Presentation: General Framework** Joel Salas Suarez - Commissioner at INAI (Mexico)

First I'll review the history of the demands for transparency , accountability and citizen participation raised by civil society and think tanks that later gather together in the core of civil society in the framework of the Tripartite Technical Secretariat of Open Government Partnership in Mexico . Then I'll take up the sociological theories of frameworks to propose and argue that the notion of open government has worked precisely as a framework that brings together simultaneously demands for transparency , accountability and citizen participation, and it's starting to articulate a social movement. If open government is starting to be a social movement, it will face new challenges, in particular that open government is only a mean , not an end, as many proposed. So we now face the question: a mean for what?

### **Speech 2 - OGP Review** Joseph Foti - Program Director, Independent Reporting Mechanism, Open Government Partnership

We will discuss progress in open government over its five years, using data from over a hundred IRM reports. Topics discussed will include outcomes of action plans, how to raise ambition, and how to increase government and civil society participation in OGP processes.

## Open Access & Open Research

**Salle / Hall :** Bibliothèque Cujas - Salle de conférences

**Horaire / Schedule :** 10h55 - 12h15

**Président de séance :** Maria Poli (Sr Social Accountability Advisor - Capacity and Implementation Support Coordinator - The World Bank / Global Partnership for Social Accountability - Argentina)

**Langue / Language :** English

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### **Speech 1. FutureTDM improving uptake of TDM** Freyja Vandenboom - Open Knowledge International (Etats-Unis)

*We would like to present and discuss the FutureTDM project, which is a Horizon 2020 project on how to improve the uptake of text-and datamining in the EU. See [www.futuretdm.eu](http://www.futuretdm.eu). Based on research and stakeholder consultations we have identified barriers for text-and datamining which include legal (copyright, database protection and dataprotection), technical, economy and lack of skill and education. We would like to participate in any of the above selected sessions to present our insights on open access and research and/or on the topic of text-and datamining and privacy. It will be a good opportunity for the participants also to have their say on the future of TDM as the discussion will feedback into the project which is developing recommendations for the EC on how to improve the uptake and overcome the identified barriers.*

### **Speech 2. Maria Poli Sr Advisor & Capacity Building Coordinator Global Partnership for Social Accountability**

### **Speech 3. Adaptive learning, politics and open governance: Bridges between Research and Practice** Maria Florencia Guertzovich - Politeia ESAG - Universidade do Estado de Santa Catarina (Brésil)

*There is an increasing recognition that progress towards more open governance requires engaging political processes. It comes about through cycles of learning by doing. Researchers, practitioners, and funders are increasingly taking these ideas on board. Many practitioners on the frontlines of national and sub-national change are innovating and experimenting how to operationalize these frameworks. Researchers are increasingly participating in practitioner-oriented research partnerships. These partnerships seek to lever research (and the joint research process) to improve concrete projects, strengthen organization's learning capacities, train practice oriented researchers, and produce knowledge about civic participation and accountability.*

*Yet, much of this work is happening in silos. This session will create a space to have a reflection about what we are learning about these issues, both substantively on politics, adaptive learning, and open governance and in terms of the processes that foster knowledge production and application.*

*We should reach out to organizations planning to be in Paris, but the list could include a mix of organizations and researchers engaged in this conversation such as Practical Adaptation Network, Doing Development Differently, MIT´-Gov Lab, Thinking and Working Politically, GPSA, MAVC, among others*

**Speech 4.** Michael Moses Director of Advocacy Global Integrity (Lead of GI/ MAVC/ OGP Project) (United States)

**Speech 5.** Charles Abani - chief of party of Nigeria Strengthening Advocacy and Civic Engagement (SACE) project (Chemonics/Root Change)

**Speech 6.** Steve Davenport, Open Government Global Lead at the World Bank.



# Nouveaux médias et participation citoyenne

**Salle / Hall :** Bibliothèque Cujas - CERDOC

**Horaire / Schedule :** 10h55 - 12h15

**Président de séance :** Sylvie Capitant (Université Paris 1 Panthéon-Sorbonne)

**Langue / Language :** Français

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**Intervention 1. Les gouvernements ouverts au défi du pétitionnement électronique. Menace ou renouveau de la démocratie locale ?** Marcel Moritz - Maître de conférences, Université Lille 2

*L'ouverture des données publiques est désormais bien ancrée dans notre paysage normatif. Mais l'information et la participation sont deux notions bien différentes. Or, le constat est celui de possibilités de participation aux politiques publiques qui reste faible, alors même que l'information, elle, ne cesse de croître. En résulte un risque important de frustrations, susceptibles de fragiliser les fondements même de nos démocraties. Les pétitions électroniques pourraient constituer une opportunité pour revivifier les échanges entre élus et citoyens. Les pratiques du pétitionnement en ligne semblent malheureusement attester du contraire...*

**Intervention 2. Les défis de l'Open culture** Camille Domange - General Counsel & Head of corporate communications, Endemol (France)

**Intervention 3. L'internet mobile comme média d'accès des citoyens à la société numérique : cas de la République Démocratique du Congo** Kodjo Ndukuma Adjayi, Doctorant en droit (& Avocat à la Cour d'appel), Université Paris 1 (& Barreau des avocats Kinshasa/Matete) (France & République Démocratique du Congo)

# Local Government & Open Gov.

**Salle / Hall :** IRJS - Salle des séminaires.

**Horaire / Schedule :** 10h55 - 12h15

**Président de séance :** Petr Juptner (Directeur de l'Institut politologických studií, Katedra politologie - République Tchèque)

**Langue / Language :** English

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## **Speech 1. Institutional participation and transparency in Chilean municipalities** Jose Hernandez-Bonivento - Dr, ICHEM-GIGAPP, Beyond formality

*In ICHEM, we have developed an institutional index for municipal open government in Chile, a tool to measure legal compliance on Transparency and Participation on all Chilean municipalities. The results shows that compliance is positive and almost generalized, but it does not show if it translate in local collaboration nor public accountability. By making field work in two intermediate cities of Chile, we got to outline the complex relationship between formal institutions and local open government, based on an intricate system of incentives that could yield both positive and counterproductive results. In our opinion, this subject is in need of more research and debate.*

## **Speech 2. Hungarian municipality-owned enterprises: their transparency and compliance with disclosure requirements** Petra Reszkető - Budapest Institute for Policy Analysis (Hongrie)

*This pilot research examines the public disclosure policy of municipality-owned enterprises in Szeged, the regional centre of South-Eastern Hungary. While mapping and analysing information disclosure practices of local firms based on data available on their webpages and by running interviews with representatives of the local government and those of local businesses, we shed light on the drivers and barriers to more transparency and integrity in the publicly-owned business sector. We produce a ranking of local enterprises based on indexes calculated in line with their compliance with statutory obligations and with their openness on hard information – meaning, more business-sensitive information. The preliminary empirical results show that there is a considerable variance in the public disclosure practices and a need for more peer-learning. Municipality-owned enterprises do not seem to add explicit value to business integrity but would be open to learn more on its benefits and on the good practices. We conclude with preliminary policy recommendations on how to raise awareness on the economic importance of business integrity and to help local governments to promote transparency at the local level.*

## **Speech 3. Petr Juptner - Directeur, Institut politologických studií, Katedra politologie (République Tchèque)**

**Speech 4. Sao Paulo in the Digital Age: Legal and Institutional challenges** Eduardo Tuma - PhD.  
Senior Professor, City Councilman (São Paulo), PUC/SP (Brazil)

Sao Paulo, Brazil, with its more than 12 million inhabitants, is a good habitat for the anthropological research of the chronic problems of people living in megalopolis. In some ways, modern technological facilities give the population inaccessible utilities to the most privileged social classes of the past. This is intensified in the current digital age where the city each passing day becomes more automated. Automation should be in favor of population and urbanization, and not against it. People are entitled to smart cities and at the same time must be protected against predatory automation. The challenge of modern legislator is to be able to interpret this new social and virtual reality and legislate in favor of a holistic citizenship, including the ecological citizenship.

**Speech 5. Dilemmas of participatory budgeting from the perspective of the Polish law and experience** Tomasz Nowak - Associate Professor, University of Lodz

The subject of the intervention is presenting dilemmas of participatory budgeting on the basis of Polish regulations relating to local budgets and on the basis of Polish experience in this matter.

Participatory budgeting means that inhabitants are engaged in the process/decision on how to allocate the expenses of the municipality. In Poland, the participation of citizens does not apply to the allocation of the total expenditure of the municipality, but only a part of it. This part is determined by the local authority. Within this part, the inhabitants make a choice tasks, which will be financed in the next year. These tasks are pre-selected by the local authorities. According to the Polish budget rules, „participatory” budget is not a separate budget from the "general" budget of the municipality. „Participatory” budget is part of the "general" budget of the municipality. Therefore the competences related to the budget are also related to the participatory part.

According to the Polish budgetary law, drafting the budget is the exclusive competence of the local executive power (eg. mayor) and passing the budget is the exclusive competence of the local representative body. Participatory budgeting is created only if that possibility is provided by the local executive power and only if the local representative body approves it. The amount of expenditure covered by the participatory budget is determined by the local executive power. However, from a legal point of view, the creation of participatory budget does not eliminate the responsibility of the local authorities for drafting and passing the local budget. This responsibility also applies to the participatory part. The local authorities are not legally bound by the will expressed by the people, but of course disregarding the will of the inhabitants would be a perversion of the idea of participatory budgeting. This approach of local authorities would be at most political significance.

On the other hand, exclusive competence to the implementation of the budget belongs to the local executive power. Therefore, from a legal point of view, the local executive body

makes the expenditure of the participatory part. Eg. the procedure for selection of the contractor of the "participatory" project or an agreement to grant to the „participatory” task are made by the local executive body (not by the "promoters" of participatory part). Moreover, the same rules of spending apply to participatory section of the local budget and for the "general" local budget. Eg. competence to implement the budget allows the executive body to make changes in the budget, resulting from the current needs of the municipality or resulting from the current financial situation of the municipality. The Polish budgetary law does not have regulations that would exclude this competence in regards to participatory part of the budget. Eg. in such cases there is no priority for making the expenditure in participatory part by expenditures made under the "general" budget.

Local authorities are subject to the control and supervision of the specialized body (regional audit chambers) also in the participatory part of the budget.

Participatory budgeting cannot exclude the responsibility of the local authorities in the field of drafting and implementing the local budget. Participatory budgeting does not transfer the responsibility to the "promoters" of financial tasks in participatory part.

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# Ateliers jeunes chercheurs - Vie privée & Gouv. ouverts

**Salle / Hall :** IRJS - Salle des professeurs

**Horaire / Schedule :** 10h55 - 12h15

**Président de séance :** Guido Meloni (Professeur, Universités Unimol et LUISS - Italie) & Pietro Falleta (Professeur, Université LUISS - Rome - Italie)

**Langue / Language :** Français

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## **Intervention 1. Le droit au respect de la vie privée en Pologne** Katarzyna Koper - Phd Student, University Paris 1 Panthéon-Sorbonne (France)

Le droit à la protection de la vie privée compte parmi les droits essentiels de l'homme et en tant que tel est protégé par la plupart des systèmes des Etats démocratiques modernes. La confidentialité en termes normatifs implique le droit de l'individu à la conception d'une sphère privée à soi, libre de toute ingérence et inaccessible aux autres. La Pologne développe les instruments du droit destinés à la protection de la confidentialité, mais trouve en même temps le moyen de s'y immiscer.

## **Intervention 2. L'ambition individualiste de l'autodétermination informationnelle** Thomas Bizet – Doctorant, Université Paris 1 Panthéon-Sorbonne (France)

*En 1983, la Cour constitutionnelle fédérale allemande forge le concept de l'autodétermination informationnelle comme "le pouvoir de l'individu de décider lui-même sur base du concept d'autodétermination, quand et dans quelle mesure une information relevant de sa vie privée peut être communiquée à autrui". Ce droit a été inséré l'article 1 de la loi n°78-17 modifiée dite loi "Informatique & Libertés" par la loi dite "Lemaire" pour une "République Numérique".*

*Ce droit à l'autodétermination informationnelle semble ainsi compléter le droit à l'information (art. 32) et la notion de "pouvoir" renvoi autant au fondement juridique du consentement de la personne concernée (art. 7) qu'aux différents droits de la personne concernée (art. 38 et suivants).*

*Pour autant, ce droit affirme une position essentiellement individualiste et autonomiste. Cette position, à l'ère de la facilitation du partage d'informations personnelles, génère différentes ambiguïtés, la vie privée d'une personne n'étant pas nécessairement isolée de celle de tiers et l'autonomie devant aller de pair avec une compréhension et une information croissante.*

**Intervention 3. La protection de la vie privée sur internet : réflexions vers un éventuel rapprochement du droit continental et anglo-saxon** Angéla Cubillos-Velez - Doctorante, Université Paris 1 Panthéon-Sorbonne (France)

*Avec l'adoption du règlement général relatif à la protection des données personnelles, un examen des systèmes juridiques permettra d'établir les points en commun concernant la protection de la vie privée et d'analyser si un rapprochement entre le droit continental et le droit anglo-saxon a lieu actuellement. Cet écart entre les régimes entrave la protection des données personnelles dans l'ère du numérique, d'où la réconciliation entre les deux régimes s'avère nécessaire.*

# Transparence Gouvernementale, Droit d'accès à l'information & Gouv. ouverts

**Salle / Hall :** FIE - Salle du Théâtre

**Horaire / Schedule :** 13h20 - 14h50

**Président de séance :** Patricia Jonason (Maître de conférences, Université Södertörn/Södertörns högskola - Stockholm - Suède)

**Langue / Language :** Français/Português

*Le droit d'accès à l'information est un droit essentiel permettant d'émanciper les citoyens et d'être des acteurs actifs de la vie démocratique.*

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## **Intervention 1. Confiance, prudence et transparence : une analyse historique de trois concepts en comptabilité** Nicolas Praquin - Enseignant-chercheur, Université Paris-Sud

*Cette communication vise à étudier la façon dont confiance, prudence et transparence constituent des concepts qui peuvent être mobilisés en gestion. A partir d'archives et de travaux d'historiens, il est mis en évidence la façon dont ces trois concepts se complètent, se chevauchent ou se substituent depuis le 18<sup>e</sup> siècle jusqu'à nos jours. L'angle d'attaque prend appui sur la comptabilité et, plus largement, sur la relation d'affaires.*

## **Intervention 2. L'ouverture et la transparence de la Justice Mexicaine : les enjeux d'un nouveau système de justice pénale** Ricardo García de la Rosa - Professeur, Instituto Tecnológico Autónomo de México (ITAM)

*Le 18 juin 2016, a été mis en marche le nouveau système de justice pénal mexicain. On est passé d'un système mixte inquisitoire à un système accusatoire contradictoire. Il faut dire que ce système a vocation à être plus transparent, puisqu'on sait exactement ce qui est en train de se produire. Tant la personne soupçonnée d'avoir commis le délit (l'inculpé) que la victime de l'acte délictuel ont la possibilité de suivre la procédure. Dans le nouveau système, il existe une assistance technique professionnelle, à travers un assistant technique juridique, qui accompagnera la victime – si elle le sollicite – à toutes les étapes du processus. De même, il y a un défenseur technique (agrégé et professionnalisé dans ce nouveau système de justice pénale). Le juge peut rejeter le défenseur technique s'il ne lui reconnaît pas la capacité requise pour assister le client. Le ministère public du Mexique ne devra pas seulement rechercher les aveux de l'inculpé, il aura aussi un rôle d'enquêteur et devra construire un dossier.*

*Malgré tous ces avantages, dans un pays qui fait face à d'importants problèmes d'insécurité, d'impunité, de corruption et de surpopulation carcérale, le nouveau système pénal a d'énormes*

défis pour sa mise en marche. Cela représente des grands enjeux juridiques, politiques et de sécurité nationale pour le gouvernement et pour le pouvoir judiciaire mexicain.

### **Intervention 3. Génération Open Gov International Amane Belaidi – Manager, Open Gov Algeria Lab (Algérie)**

*L'article 15 de la Déclaration des droits de l'homme et du citoyen de 1789 dispose que "la société a le droit de demander compte à tout agent public de son administration".*

#### *Axes d'intervention*

*1. Présentation de l'expérience Open Gov dans le monde 2. Le Partenariat pour un gouvernement ouvert (Open Government Partnership) : Algérie, quel (s) partenariat (s) ? 3. Transparence des gouvernements et l'accès à l'information : les initiatives du gouvernement Algérien en matière de transparence pour faire progresser la co-construction et la modernisation de l'action publique 4. Philosophie de l'Open Gov et bonnes pratiques dans les pays du Maghreb, l'exemple de la Tunisie 5. Avenir de l'Open Gov dans le monde arabe, l'exemple de l'Algérie engagée dans la promotion des valeurs démocratiques*

#### *Objectifs de la démarche*

- *Bâtir la Communauté des Réformateurs ouverte à l'International ;*
- *S'ouvrir à l'Autre pour Co-Construire la Nouvelle Démocratie Internationaliste;*
- *Bâtir un monde juste et ouvert à toute l'Humanité sans exclusion ;*
- *Faire rayonner l'esprit de la Paix par la formation de la Génération OGI*
- *Slogan : Ouverture - Humanité - Paix*
- *Proposition pour le Sommet de Paris : [fr.ogpsummit.org/osem/conference/ogp-summit/program/proposal/130](http://fr.ogpsummit.org/osem/conference/ogp-summit/program/proposal/130)*

### **Intervention 4. Harmonizing Freedom of Information and Trade Secrets in State Owned Enterprises: why procedures matter** Guilherme Carvalho - Master - USP (Brésil)

*The most widely accepted principle on the right to information states that information in possession of government bodies is public in principle and that only limited exceptions, legally authorized, are legitimate. In the business world, on the other hand, secrecy is regarded as the natural option, whereas the disclosure of information is tightly controlled. These conflicting views prove to be problematic when public authorities choose to carry out their attributions through government created private organizations, such as State Owned Enterprises (SOE). Based on the Brazilian experience since the 2011 Freedom of Information Act, this paper investigates how trade secrets may be harmonized with the right to information in SOEs. The hypothesis I propose is that this can only be accomplished through the development of accountability procedures analogous to those involving information classified for national security purposes.*



The paper is divided in four sections. In the first, I expand the above mentioned problem, indicating in further detail why trade secrets in SOEs are a relevant obstacle to Freedom of Information. In order to do so, I draw real examples from Brazilian application of FOIA. In the following section I argue that the democratic supervision of SOEs can learn from the experience of national security secrecy, which is performed mainly through the development of accountability procedures, including: (i) the designation of competent authorities for classifying information; (ii) the possibility of review (including judicial review); (iii) written justification; (iv) the stipulation of maximal time limits; (v) liability for wrongful withholding of information. These procedural elements provide relevant control mechanisms which greatly reduce the discretionary power of public authorities. When it comes to trade secrets, however, it is not easy to find legal requirements that allow their democratic control, as I point out in the third section. Pieces of information in possession of enterprises are often presumed to be trade secrets, without need of further demonstration or of a recorded decision by a competent authority. The fourth and last section is dedicated to outlining guidelines for procedures that could be implemented in SOEs. Although these ideas are primarily designed for Brazilian SOEs, I hold that they could generally be applied to other realities.

**Intervention 5. Governmental transparency in the Brazilian State of debts due to illicit Act Emerenciano Adelmo Da Silva - Docteur, Instituto do Direito Publico SP, IDPSP**

The Brazilian government's efforts to organize the procedure and the payment order of government debt arising from court convictions have been relevant.

The issue reached Constitutional treatment, specific laws and moralizing measures by the external control body of the Judiciary as well as specific treatment in the public budget.

But, despite all the developments in data visibility and transparency in the order of the requests made by the judiciary to pay the public entities of court convictions (“precatórios”), the current model does not allow the citizen to identify objectively and clearly the determining reason for the existence of the debt, especially those arising from harmful acts of the state to the citizen. It also is not expressed indicating the conduct causing the damage, not even the public agent responsible for the damage.

Although the debt is paid for the whole society and tax payers those are not informed of the existence of the debt reasons and not the agent causing the damage is indicated.

The lack of transparency prevents the study, improvement and control statistics and correction of errors committed by the State

**Intervention 6. Open Government Data Intermediaries and Coproduction Gisele Craveiro - University of São Paulo**

Open data is gaining importance in the scenario of relations between governments and society, between these scenarios can mention the issues of budget information. This study aimed to identify elements about the role of intermediaries: their characteristics, resources, relationships

*and partnerships within an ecosystem of open government data, in particular, to identify initiatives and opportunities that enable the coproduction of value from government information. The study was conducted in four Latin American countries and data collection was carried out through interviews and document analysis. The results reveal that there are some initiatives, which can be maximized to promote the coproduction of value, initiatives like holding events, forming partnerships, among others. The study also brings elements to a discussion about a possible modulation between citizen sourcing and government as platform models, as some coproduction initiatives identified extrapolate their limits definitions.*

# Lessons and Reflections from the OGP Experience of Five Countries

**Salle / Hall :** Bibliothèque Sainte Barbe - Amphithéâtre

**Horaire / Schedule :** 13h20 - 14h50

**Président de séance :** Michaël Moses (*Global Integrity*)

**Langue / Language :** English

*This interactive roundtable session has three objectives:*

- *First, using [Global Integrity's research](#) into how the Open Government Partnership is playing out in five countries across the world as a launch pad, we aim to showcase different approaches to navigating the politics inherent to effective social accountability work, including open government reforms;*
- *Second, we intend to give audience members an opportunity to discuss and examine whether and how those approaches already are, or might in the future, shape the ways in which they engage with the OGP in their country;*
- *Third, we will facilitate a rich discussion of how international actors, like the OGP Secretariat, International NGOs, bilateral aid agencies, and multilateral institutions, might benefit from applying emerging approaches to social accountability work, and whether doing so would require changes to the ways they support and pursue open government reforms.*

*By the end of the roundtable, participants will: explore a few cutting edge, politically savvy approaches to social accountability work, from vertical integration to adaptive learning; reflect on how those approaches already do or might influence international efforts to support open government; and contribute to emerging thinking on what it might mean for international actors to more effectively integrate these approaches.*

*As such, this roundtable will provide a unique opportunity for both exploring emerging evidence on social accountability and open government, on the one hand, and considering how that evidence might be operationalized into the framework of OGP and similar initiatives focused on supporting governance reform.*

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**Speech 1. Doing accountability differently through vertical integration** Joy Aceron – Center for Inclusive Governance (Philippines)

*Vertical integration is a strategic approach to citizen action for accountability. It is a strategy that involves a wide variety of actions and tactics by diverse and broad actors in engaging multiple levels of decision-making. As a guide to action, it 'connects the dots' forming the needed scale to achieve lasting impact. The talk will discuss a recent study on vertical integration in the Philippines - key lessons from the study and its questions and implications on open government work moving forward.*

**Speech 2. Michael Moses Director of Advocacy Global Integrity (Lead of GI/ MAVC/ OGP Project)**

*The Open Government Partnership is at a critical juncture. Having expanded from 11 to 70 countries in just five years, the initiative has kickstarted thousands of open government commitments across the world. However, emerging evidence suggest that, reformers working to leverage OGP face implementation challenges in their efforts to deliver open government reforms. These challenges often times emerge from the complexity of political contexts in which OGP operates. To make progress towards overcoming such challenges, reformers may benefit from thinking and working politically - trying to engage with, navigate, and shape the politics of reform in their contexts.*

*This presentation, using recent research from Costa Rica, Tanzania, the Philippines, Mexico, and Albania, will highlight ways in which open government reformers are already working politically in their contexts, and discuss ways in which open government initiatives, like the OGP, might more effectively strengthen such efforts - including through supporting adaptive learning - and help improve the impact and effectiveness of their in-country partners.*

**Speech 3. Navigating the politics: a South African CSO experience of opening government**  
**Kota Zukiswa - Researcher, Public Service Accountability Monitor (Kazakistan)**

Focusing on the work of a South African civil society organisation with a long history of promoting social accountability - the presentation will explore the importance of seeking to understand context-dependent socio-economic and political dynamics (sub-national/ national and CSO/ government) that influence reform. In particular- the presentation will seek to share challenges faced in promoting social accountability at one tier of government in South Africa and what opportunities this has fostered for working at another. A core question will be how these challenges have influenced approaches to ensuring government accountability in relation to a specific OGP commitment: opening public budgets.

The presentation will seek to foster discussion around this ongoing initiative in which adaptive learning (navigating politics and 'managing' unequal power bases), collaboration and social accountability tools have been key.

Acknowledging that this is very much work in progress and that the process of promoting open fiscal data through budget portals is uncharted terrain for both the lead government department and CSOs involved- a significant aim of the presentation will be to offer up an

opportunity for participants to share their own experiences of working in and mapping the politics of reform.

# Net Neutrality & Open Gov.

**Salle / Hall :** Bibliothèque Cujas - Salle de conférences

**Horaire / Schedule :** 13h20 - 14h50

**Président de séance :** Jean-Jacques Lavenue (Professeur, Université Lille 2)

**Langue / Language :** Français

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**Intervention 1.** Jean-Jacques Lavenue - Professeur, Université Lille 2

**Intervention 2.** Vincent Lemaire - Doctorant, Université Paris 1 Panthéon-Sorbonne - **La neutralité du net, une notion numérique à la recherche de son concept juridique**

*La neutralité du net... Une notion qui fait dorénavant corps avec la politisation du réseau numérique, au point que la question en est devenue son corollaire. Cependant, si la notion fait sens pour ceux qui s'en saisissent dans la réflexion du numérique, elle reste un concept juridique inexploré. Pourtant, les revendications de neutralité rattachent cette notion à des concepts juridiques. Ce n'est pas sans heurt, puisque l'intrication de la neutralité du net dans le droit va conférer à cette notion, un sens direct aux constructions juridiques, jusqu'à en pouvoir devenir opposable. En outre, la notion de neutralité du net en tant que concept, va cristalliser a fortiori la confrontation classique entre nécessité économique et revendication politique. Il va alors falloir arrêter un choix, qui devra trouver sa mise en œuvre juridique. Ainsi, afin d'appréhender la notion pour en faire un concept utile au droit, l'examen que l'on souhaite proposer, entend fournir les moyens propres à faire de la notion de neutralité du net, un concept juridique. Cela supposera d'en établir les risques, les fondements et sa portée. Ce faisant, l'article souhaite proposer une vision des choix de politique juridique en la matière, et notamment ceux qui ont été engagés par le droit français.*

**Intervention 3. - La neutralité comme axiome des Gouvernements ouverts : enjeux entourant la conception de neutralité de la donnée** Quentin Sgard - Doctorant, Université Paris 1 Panthéon-Sorbonne

*La mise à disposition aux citoyens de fichiers, de bases de données et de documents est à mettre en perspective avec les capacités de la population de s'emparer d'outils capables de pouvoir déchiffrer ces informations.*

*Si le besoin de neutralité technologique n'est aujourd'hui plus remis en doute - par le biais notamment de référentiels généraux - il n'en demeure pas moins que l'un des objectifs centraux - si ce n'est l'objectif principal - de la gouvernance ouverte est l'accès et la compréhension.*

*Dans cette présentation, il sera vu que si les gouvernements n'hésitent pas à communiquer sur la mise à disposition de données, il n'en demeure pas moins que l'intelligibilité de la donnée peut rester encore floue pour certains, poussant alors à se poser la question sur une redéfinition du concept de neutralité.*

**Intervention 4. Principe de non discrimination de l'accès aux réseaux de télécommunication et effectivité des Gouvernements ouverts : Ingrid Judith Obregon - Doctorante, Université Paris 1 Panthéon-Sorbonne**

**Intervention 5. Net Neutrality and Zero Rating Plans in Brazil: Caio César Vieira Machado – Avocat, Master, Université Paris 1 Panthéon-Sorbonne**

*Net Neutrality is governed in Brazil by the Internet Framework Act (Federal Law 12,965/14) and its Regulatory Decree (Decree 8,771/16). The principle establishes the isonomic treatment of data packets through the internet transmission infrastructure. The implementation of this principle has brought attention to the Zero-Rating plans, where Internet Service Providers can offer gratuitous access to assigned applications. This gratuity is offered due to various business models, which raises discussion regarding the user's right to free internet access and challenges competition law.*

*This article discusses the adoption of Zero-Rating plans in Brazil, according to the recent legislative changes. First, this paper provides thorough interpretative analysis of the relevant sections in the both statutes. After concluding there is relevant vocabulary ambiguity the text, one should recognize that the law is not definitive on Zero-Rating plans. Therefore, this matter becomes a technical decision taken by the relevant bodies in Brazil, who are in charge of defining precisely the concept and parameters of the Brazilian Net Neutrality principle. In conclusion, the article discusses some theoretical paradigms that could be adopted to take this decision.*

# Communs & Gouv. ouverts

**Salle / Hall :** Bibliothèque Cujas - Cerdoc.

**Horaire / Schedule :** 13h20 - 14h50

**Président de séance :** -

**Langue / Language :** Français

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**Intervention 1. Les communs et les données publiques** Alice Barbet-Massin - Doctorante, Université Paris 1 Panthéon-Sorbonne - Les communs et les données publiques

*La problématique se pose de savoir comment les biens communs informationnels peuvent être conjugués avec le régime juridique applicable aux données publiques. Si les biens communs informationnels entrent pour partie en confrontation avec certaines dispositions de la réglementation sur les données publiques, ils restent néanmoins conformes au mouvement sur l'ouverture des données publiques.*

**Intervention 2. Décisions de justice et biens communs informationnels** Thomas Saint-Aubin - Délégation à l'innovation, au développement et à la stratégie, DILA (France)

Les décisions de justice sont-elles des biens communs informationnels. Si oui, quelles conséquences ? Comment les rendre plus facilement accessibles ?

**Intervention 3.** Florent André - CTO Open Law (France)

**Intervention 4. Les conditions de réussite des communs** Boris Sirbey - Fondateur, LabRH (France)

Comment penser l'articulation entre modèle juridique, modèle économique, usage des data et usage digital pour faire des communs un dispositif global capable de transformer la société ?

**Intervention 5.** Benjamin Coriat, Professeur, Université Paris 13 (France)



## **Open Source & Open Gov.**

**Salle / Hall :** IRJS - Salle des Séminaires.

**Horaire / Schedule :** 13h20 - 14h50

**Président de séance :** Professor Juan Francisco Ortega - Universidad de los Andes (Colombia)

**Langue / Language :** English

*The objective is to know if governments have an interest in switching to open source software, does the use of open source software make it possible to improve the functioning of administrations and to show the difficulties that may be encountered.*

**This roundtable will focus on a 40-minute presentation followed by a discussion with participants.**

## Corruption & Open Gov. 2/2

**Salle / Hall :** FIE - Salle du Théâtre

**Horaire / Schedule :** 15h05 - 16h25

**Président de séance :** Daniel Carnio Costa (Magistrat, São Paulo - Brésil)

**Langue / Language :** Français/Português

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**Intervention 1. The right of Access to Public Information as a guarantee for the exercise of Human Dignity in order to combat corruption** Gabriela De Freitas D’Avila – Avocate, Instituto do Capitalismo Humanista (Brésil)

*The right of free access to information, as an example of a fundamental guarantee of Brazilian Federal Constitution, brings the need to disseminate the access to public information for the entire population, given that it is an essential mean of social inclusion for all citizens. In this perspective of access to public information for all, there shall be a law that reinforces the human right of free and indiscriminate access to public information as a rule, reassuring the very access to administrative records and information about acts of government, implying the participation in public affairs. The transparency through the means of access to information is the most efficient way to combat corruption, as it is an instrument of effectiveness for the social control to contribute to the human right of solid public administration.*

**Intervention 2. Controle Social dos Gastos Públicos** Jacqueline dos Santos Anastácio - Faculdades Integradas Padre Albino (Brésil)

*Diante de tantos escândalos de corrupção envolvendo desvio de dinheiro público, há necessidade de um eficiente controle não-estatal. A sociedade possui legitimidade para fazer valer mecanismos previstos na Constituição Federal de 1988 de fiscalização dos gastos públicos, bem como para indicar caminhos, propor ideias e participar das decisões políticas. Contudo, de que adianta saber, na teoria, como um cidadão pode controlar os gastos públicos se, na prática, o mesmo não sabe? A cartilha do Controle social dos gastos públicos é uma alternativa para suprir as lacunas do Estado. Ela tem o propósito de informar, de ensinar o adolescente, que está em processo de formação, a ter uma postura racional diante do Estado, fazendo-o entender que o titular da coisa pública é o cidadão comum e não o governante e que todos têm direito a uma administração pública sem corrupção.*

**Intervention 3. Electronic court auction as anti-fraud tool** Rosane Pereira Santos (psantos.rosane@gmail.com) - Pós-graduada, PUC/SP (Brésil)

The Judiciary Branch as any state apparatus is liable to be the subject of **fraud and favor the formation of mafias**. The expropriation power of the judiciary allows the compulsory seizure of assets of the debtor and his destination to its public sale in order to satisfy the debt previously recognized for this same judiciary. However, the realization of these public auctions can be riddled to fraud in that these are restricted and accessible to as only a small group of people, regarding the possibility of offering bids, as well as monitor its fairness and legality. To the extent that the auction is carried out through electronic means, specifically the internet, the access to both bids as smoothness control and legality becomes diffuse and totally uncontrollable by alleged mafias that existed in the past. There is no doubt so the efficiency of the auction through electronic means as fraud instrument of judicial expropriation power.

#### **Intervention 4. The impact of the Open government in the fight against corruption in the CEMAC zone Theophile Mangala - Doctorant, Université Paris 1 Panthéon-Sorbonne (France)**

It would be interesting to introduce this matter with a bit of history on the creation of the Open government Partnership. “The OGP was launched in 2011 to provide an international platform for domestic reformers committed to making their governments more open, accountable, and responsive to citizens. Since then, OGP has grown from 8 countries to the 70 participating countries. In all of these countries, government and civil society are working together to develop and implement ambitious open government reforms”

The phenomenal of corruption has such a negative impact on developing countries’ economies, especially those in Africa, that it is a big concern for the ADB and the World Bank. It has been revealed during one of the conferences that Africa loses 148 billion every year due to corruption. This is the reason for the creation by the African Union of the Prevention and the fight against corruption in 11 July 2003. As per the CEMAC zone and the Economic Commission for Africa, a “network of national institutions fighting against corruption has been put in place during a technical meeting held in Libreville, in Gabon. This initiative is meant to put together all efforts in fighting corruption in Africa

This initiative is not by accident since in the 2015 Edition of Doing Business, the World Bank published that “the sixteen worst countries in term of doing business were in Africa and a quarter of the sixteen countries are sub-Saharan, the Republic of Congo, the Democratic Republic of Congo, Angola and Gabon

Corruption being an obstacle the stopping poverty and the ability for the continent to develop, it has become crucial to take measures to reduce its impact on the future of the named countries. In that same mind set, the CEMAC policy, 4<sup>th</sup> April 2004, in relation to the fight against money laundering and terrorism financing was adopted. According to J. S. E. Ebo’o « The state members regard money laundering, drug trade, corruption, fraud and any other illicit activities as a serious obstacle to the development of their countries ».

In the above fight against corruption, countries could choose other types of strategies in the form of the opening of their public data with the ambition to becoming an Open

Government. The changes brought by the numeric revolution offer huge opportunities of changes, especially in adopting transparency as way of governance.

According to judge Frankfurter «the aim of transparency was not only to ensure the integrity of the electoral process. The philosophy behind it is mostly to promote an active responsibility, alert of individual – citizen of democracy to make sure that governing bodies act accordingly »

With that view, many countries in the world joined the Open Government Partnership in response to their population's aspirations to more transparent and participative governments » With the Exception of Ivory Coast which joined the OGP in 2014, many French speaking countries, especially those of the CEMAC are reluctant to join the partnership. Those countries will have to gather membership criteria of free access to public data, disclosure of income and assets of people in power, participation and commitment of citizens in public affairs, which criteria sound very challenging However, following Ivory coast path, a good number of other African countries also joined the partnership : Ghana, Kenya, Liberia, Malawi, Nigeria, Sierra Leone, South Africa, Tanzania, Tunisia.

According to W. Gilles: the opening of public data is at the heart of the democracy requirements as promoted by the partnership. Whether be budgetary transparency or access to public data, the aim is always to make data available in the name of democracy”

Although joining the partnership only the 2nd May 2014, France is the current president of the partnership, taking advantage of its historical ties with French speaking countries, it could use the next Francophony summit as a precious opportunity to encourage many sub-Saharan countries to join the partnership, as France has at heart the improvement of democracy and governance in Africa.

# Privacy & Open Gov.

**Salle / Hall :** Bibliothèque Sainte-Barbe - Amphithéâtre

**Horaire / Schedule :** 15h05 - 16h25

**Président de séance :** Steve Friedland (*Professor of law and senior scholar - Law School faculty - Elon University - United States*)

**Langue / Language :** English

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**Speech 1.** Russell Weaver - Professor of Law & Distinguished University Scholar, University of Louisville  
Louis D. Brandeis School of Law (United States)

**Speech 2. Privacy: The Impact of the Internet of Things on Privacy in Open Government**  
Steve Friedland - Professor of law and senior scholar, Law School faculty, Elon University (United States)

Privacy can be seen as a personal right or an important pillar of open government. Yet, understandings of privacy are changing at breakneck speed in the digital era. In essence, privacy has become transmogrified; a shapeshifter. These new understandings have outpaced the law and regulations of privacy. A particularly transformative influence has been the Internet of Things (IoT). The IoT, a series of networks often but not always connected through the Internet, have created "smart" watches, phones, houses, cars, clothes, and even cities. They also have created a degree of interconnectivity that has made it virtually insuperable to live off of "the grid" in the modern era, allowing for government tracking in unprecedented ways. This paper explores the influence of the IoT, the mass self-surveillance it produces on privacy, and the new shapes of privacy that are emerging as a result.

**Speech 3. Is the fight against money laundering and financial crime compatible with privacy concerns?** Yves Delwaille - Doctorant, Université Paris 1 Panthéon-Sorbonne

Investigation means in many cases, to disclose information and in this matter, when it comes to bank secrecy, there is a lot of confidential data that cannot be sent without the prior approval of the data owner and the bank.

Find the good balance between this and the legal investigation, which has to be transparent for democratic purpose, seems to be almost impossible.

This situation is even more complicated when the banks drive this kind of investigation from a government request even if this task should be performed by a State department or agency

## European Union & Open Gov.

**Salle / Hall :** Bibliothèque Cujas - Salle de conférences.

**Horaire / Schedule :** 15h05 - 16h25

**Président de séance :** Uta Biskup & Wolfgang Rosch (*Cour de Justice de l'Union Européenne*)

**Langue / Language :** English

Is Open government possible within a supranational entity such as the European Union?

While not insisting on theory (what is open government and how is it so be defined with regard to the European Union and what are – theoretically – possible means of implementing open government), though you are welcome to do so if you wish, this round table aims at gathering some issues of open government in the EU which we will try to group around three key elements: transparency, participation and collaboration.

Thus topics that might be discussed during our round table could be the following:

Transparency and open government (see Biskup/Rosch), transparency and privacy protection, data protection and open government, participation and open government (participatory means in a supranational entity), electronic means of ensuring/developing open government, data exchange within the EU and its impact on administrative costs, digital single market and open government, e-government- open government?, re-use of public sector information with regard to information detained by European institutions, etc.

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**Speech 1. The digital single market initiative and open government** Uta Biskup - Jurist-Linguist at the Court of Justice of the European Union & Wolfgang Rosch - Legal Secretary at the Court of Justice of the European Union (Germany & Luxembourg)

What is the initiative's impetus with regard to transparency, participation and collaboration?

**Speech 2. Transparency and open government** Uta Biskup - Jurist-Linguist at the Court of Justice of the European Union & Wolfgang Rosch - Legal Secretary at the Court of Justice of the European Union (Germany & Luxembourg)

Transparency in EU law is guaranteed today on several levels, the Treaties, the Charta, in secondary law. Transparency as embodied in the transparency regulation concerns a well-defined aspect of open government (access to documents detained by EU institutions) and involves many other issues, such as protecting public interests and/or privacy while granting transparency.

**Speech 3. E-invoicing : service or constraint in UE** Victor Cossec - Doctorant, Université Paris 1 Panthéon-Sorbonne (France-Royaume Uni)

Two years ago, the European Union adopted the directive 2014/55/EU on electronic invoicing in public procurement. By supporting widespread acceptance of electronic invoicing by public bodies, Europe aimed to strengthen the common market openness to the many. Although these measures consisted in new obligations for the States, their progressive evolution towards a more digital framework came with new national norms affecting the taxpayers. In France, an e-invoicing obligation was planned for companies under the law for growth, activity and economic fairness but the delay prescribed for these measures is now expired. In Portugal, though, similar measure were actually taken although these could be incompatible with the European law. More recently, Italian new Italian norms became effective. They are quite original as they do not provide new obligations but rather a favourable regime for taxpayers who adopt the Tax Authority's invoicing software. This approach questions both the EU law, as national software tend to be obstacles to the common market, and the role of tax authorities in an open governance environment.

# Young Researchers Workshop - Tax Law & Open Gov.

**Salle / Hall :** Bibliothèque CUJAS - Cerdoc

**Horaire / Schedule :** 15h05 - 16h25

**Président de séance :** Tomasz Nowak (Associate Professor, University de Lodz - Pologne)

**Langue / Language :** English

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**Speech 1. The cross – border exchange of tax data between countries and taxpayer’s rights protection in Polish legal system with regard to the concept of open government. Jolanta Goraca – PhD student, University de Lodz (Pologne)**

*At the time when an international cooperation in the field of trade and labor migration are increasing, problems connected to cross-border taxation are becoming more and more common. That requires cross-border exchange of taxpayers data between tax authorities of different countries. The exchange of data has been regulated in a number of legal acts, in particular under the Convention on administrative assistance in tax matters from 1988th or under the provisions of double taxation agreements. There are also different regulations related to that issue in the European Union. Creation of the internal market resulted in economic events that could potentially cause the tax effect in more than one country. Cross-border exchange of data in the field of public law obligations may refer to several planes, not only the data needed to impose tax liabilities, but also data needed to enforce tax liabilities. Because of the fact that range of taxpayer’s data that are communicated to tax authorities of other country is wide, it is an important issue is to protect the rights of the taxpayer. The exchanged data are sensitive data. They often refer not only to e. g. the amount of income, but also the taxpayer's trade relations with other entities, business secrets. Apart from the obligation to ensure the confidentiality of the data, it is necessary to ensure an adequate level of protection of the rights of the taxpayer. The taxpayer is often not at informed about the cross- border exchange of information concerning him. He is not aware that the data are the subject of the cross- border exchange, which tax authority has requested for the information and for what purpose. Moreover, the taxpayer has no opportunity to respond to the content of the data or the accuracy of the legal procedure of their acquisition. The data obtained from tax authorities of one country may affect the outcome of legal proceedings that has been taken against the taxpayer in another country. In view of the concept of open government it is necessary to inform the taxpayer about the data that has been exchanged and make them available for him (e. g. by the taxpayer’s safe profile secured by the digital signature). The taxpayer should be also informed about the reason for the cross-border exchange of data, and the name of the country which requested for the data.*



**Speech 2. An ambiguous right to access to tax law in the digital era** Mayana Bunod - Doctorante, Université Paris 1 Panthéon-Sorbonne

The accessibility of the law for any taxpayers remains an important issue in the XXIst century. But the notion of accessibility can be understood in two different ways. It can mean the simple fact of being able to read the legal dispositions on tax matters. And it can also mean to be able to understand all of those dispositions without being a tax law specialist. The specialization and complexity of the tax topic generate a factual inequality between those who have the tools and the capacity to understand the law and those who don't. Because the law is complex and may be unclear, there is a margin of interpretation that can lead to conflict between taxpayers and the tax administration. However, the digital era offers new possibilities by improving the transmission tools of information. By doing so, it gives new capacity for taxpayers regarding the material accessibility of the tax law through a transparency mechanism. It might reduce the factual gap between taxpayers by improving the publication of interpretation propositions' which were made by the tax administration. However, it is possible to wonder if the new technologies give us a better right of access in the tax matter.

In France the right of access to public information has been reinforced due to the European directives that affect the norms of publications and create a right to reuse public data. The norms of publications have evolved because of the digital tools, but not only for that reason. In fact, what is interesting is that, the French system for a long time had an automatic publication of the tax law and interpretation made by the tax administration with a limited accessibility throughout published fiscal official journals. It is undeniable that the new technologies have improved that material aspect of accessibility. But the non material aspect has fully changed. To prevent the taxpayers from the modification of the administrative interpretation of tax laws, the publication creates a juridic opposability to the tax administration with its own interpretation. A taxpayer that followed the interpretation of the tax administration cannot be prosecuted even if the interpretation is non conform to the law. The problem with the new technologies is the real visibility of the evolution of those interpretations. In a certain way, it has threatened the stability of the protection system against the instability of the tax interpretation made by the tax administration. To be more precise, the publication of those interpretations has been the subject of an important reform. However, that reform was not a simple modification of the publication format for papers to online publication, but was also a modernization of the interpretations which has led several times to the suppression of old published interpretations. Also, there is a risk is to suppress interpretations without respecting the due formalism consisting in a new publication that canceled explicitly or implicitly the old one. The Open Government doesn't mean a full transparency or a full access to tax information or tax interpretations, especially regarding the personal interpretations like agreements. And the online information cannot always be regarded as an opposable interpretation to the tax administration, such as an email sent by a tax agent to a taxpayer. Those examples show us the complexity of the real efficiency of the right to access on the tax subject that persists in the digital era.

**Speech 3. Open government to build trust on tax matters** Victor Cossec – Doctorant, Université Paris 1 Panthéon-Sorbonne (France-Royaume-Uni)

In many countries which implemented it, Value Added Tax represents the main tax revenue and fraud it is subject to is thus crucial for governments. Europol estimates intra-EU VAT fraud only could represent 40 to 60 billions euros of tax losses every year. Along with tax authorities, this missing trader fraud is a challenge for taxpayers, which could be held responsible for their business counterparties if these set up a carousel scheme. Besides making it possible to carry real-time tax audits and better identify this fraud, as it does in a rising number of countries, digital can be an opportunity to strengthen transparency between tax authorities and taxpayers, in order to better prevent fraud. The Russian tax authority's approach illustrates it very well. By sharing with taxpayers an always larger volume of data about their counterparties, the tax authority makes it possible for the taxpayer to identify risks himself and avoid taking part to a fraudulent scheme. Russia is not the only one who started this journey towards this open governance framework: the Mexican tax authority also publishes a black list, thus being quite transparent with honest taxpayers.

**Speech 4. The fokonolona: a framework for a new fiscal social contract and the bridge between the citizen and the tax** Zo Arlène Rosamoelina - Conseillère d'État (Madagascar)

The low tax performance is mainly result of the inability to mobilize internal fiscal resources, the tax incentives inadequate and very unequal, the difficulty of tax administration to recover the taxes owed and the ineffectiveness to improve taxation of certain sectors. The tax burden remained very low at around 10% of GDP, among the lowest in Africa. This issue is several years old and we haven't made very much progress on it. So far, the country has not been able to find a solution to the problem. Too many tax reforms implemented have failed. The tax policy currently in force is inefficient. The gap between the citizens and authorities, between the tax administration and the taxpayers, is growing.

It is now time to deal with the problem differently, in a more fundamental way. The future fiscal stance and the implementation of tax reforms should consider the prevailing social environment and understand the difficulties in terms of the interrelation between the Malagasy and taxes. What is needed is a new fiscal social contract. Indeed, in a context where the failure of the concept of "citizen tax" is a reality, the new contract would, in a dialogic approach to redefine and guide tax policy. Moreover, the collaborative governance paradigm called the government to increase the transparency and accountability of its activities for the population. This new fiscal agreement would be the framework for dialogue between civil society, private sector and government.

This process of dialogue and negotiation is inevitably complex but it requires above all a democratic institution. The Malagasy concept fokonolona or community provides an ideal framework for such institutionalization of democracy. This is an institution for social and political dialogue, negotiation between the components of the state. The strength of Fokonolona lies indeed in solidarity and collective responsibility. This concept of fokonolona

*contains all the principles of life, specific to Malagasy. It already was the basis of the Malagasy society, even before the monarchy and continued to stake all regimes that have succeeded, namely colonial and republic now. This constancy is a proof that it is an institution that fits well with the culture and spirit of Malagasy society.*

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# Open data & réutilisation de l'information publique

**Salle / Hall :** IRJS - Salle des séminaires

**Horaire / Schedule :** 15h05 - 16h25

**Président de séance :** Joel Salas Suárez (Commissaire à l'Institut fédéral d'accès à l'information et la protection des données - INAI - Mexique)

**Langue / Language :** Français

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**Intervention 1. Open data & droit de la réutilisation de l'information publique : nouveaux enjeux, renouveau du débat** William Gilles - Directeur du Master 2 Droit des données, des administrations numériques et des gouvernements ouverts, Université Paris 1 Panthéon-Sorbonne, Président de l'IMODEV (France)

**Intervention 2. Open data : fin du rêve et principe de réalité** Denis Berthault - Co-leader PSI reuse group, Groupement français des industries de l'information (GFII) (France)

*De nombreux intervenants dans le domaine de l'open data font des rêves intéressants et enthousiasmants, mais très éloigné de la - terre à terre - réalité du terrain et du développement économique. Faisons ensemble un rapide tour d'horizon de la situation.*

**Intervention 3. La refonte du droit à l'information publique en Italie : perspectives de « citoyenneté augmentée » et d'innovation** Giorgio Mancosu - Italian Academy of the Internet Code - Università degli Studi di Cagliari - Dipartimento di Giurisprudenza

*Dans le cadre des engagements pris au sein du Partenariat du Gouvernement Ouvert (PGO), l'Italie vient de « refonder » son droit à l'information publique. Que ce soit pour impulser davantage l'économie numérique ou pour donner un gage de transparence de l'organisation et l'action publiques, se multiplient les actions politiques et les outils juridiques visant l'ouverture de l'information du secteur public (ISP). Sur le plan juridique, cela vient de se traduire notamment par les réformes de 2015 et 2016, concernant respectivement les décrets législatifs n° 36 de 2006 et n° 82 de 2005 (organisant la réutilisation de l'ISP) et le décret législatif n° 33 de 2013 (organisant la diffusion - et la réutilisation - des données publiques à des fins de transparence et l'accès de type FOIA). Sur le plan politique, le troisième plan d'action PGO de l'Italie (<http://open.gov.it/> - ouvert à la consultation le 16 juillet 2016) planifie la mise en œuvre du cadre juridique et met l'accent sur le rôle d'accompagnement (et parfois de régulation) joué par l'Agenzia per l'Italia digitale (homologue italienne de la mission française Etalab) et par l'Autorità Nazionale Anticorruzione. En dépit des finalités affichées au cas par cas par le législateur, on observe un contexte réglementaire de plus en plus propice à la valorisation*

économique aussi bien que démocratique de l'ISP. La contribution vise à esquisser les « interactions vertueuses » entre les textes susmentionnés, qui représentent autant un challenge qu'une opportunité pour les entreprises, les intermédiaires de l'information et, finalement, pour les citoyens.

#### **Intervention 4. La réutilisation des données issues du système français d'immatriculation des véhicules** Simon Caqué – Fonctionnaire (France)

*Le système d'immatriculation des véhicules (SIV) est un fichier administratif mis en œuvre par le ministère de l'intérieur et dont la finalité est l'enregistrement de toutes informations concernant les pièces administratives exigées pour la circulation des véhicules ou affectant la disponibilité de ceux-ci. Les données de ce fichier ont toutefois fait l'objet, depuis quelques années, d'une ouverture à la réutilisation, sous certaines conditions. Il ne s'agit pas d'Open Data à proprement parler, mais d'un dispositif spécifique dans lequel une redevance est prévue. L'intérêt du sujet réside dans les tensions entre les récentes évolutions en matière d'Open Data (e.g. plus grande ouverture des données, principe de gratuité inscrit dans la loi) et la persistance de dispositifs juridiques spécifiques dont les redevances, en période de contraintes budgétaires, sont susceptibles de faire rendre des arbitrages particuliers. Par ailleurs, il existe désormais toute une économie de la donnée issue du SIV, avec notamment le secteur de l'automobile (constructeurs, réparateurs, banques, assurances, etc.). Toute évolution du cadre de la réutilisation des données du SIV doit tenir compte de ce marché dont les intérêts, souvent puissants, pourraient parfois être divergents de ceux de l'Open Data. Comment l'administration pilote-t-elle stratégiquement ce sujet, sachant que cette réutilisation interroge de nombreux partenaires européens qui ont des pratiques différentes par rapport à celles de la France ? Comment les données de ce fichier, qui recouvrent à la fois des données purement techniques mais aussi des données personnelles sont-elles protégées en droit français ? L'exposé visera à analyser de façon très opérationnelle ce sujet qui illustre comment les pouvoirs publics se sont emparés de la réutilisation de données personnelles issues d'un fichier public.*

#### **Intervention 5. Open data, big data et libertés individuelles** Jean Harivel - Chargé d'enseignement – Ecole de Droit de la Sorbonne - Université Paris 1 Panthéon-Sorbonne (France)

*Les données de masse collectées sur internet permettent de profiler les individus, leur suggérer des choix voire les inciter à agir ou ne pas agir dans certaines circonstances. La mise à disposition des données relatives à un individu dans le cadre de l'open data peuvent aussi, même si ces données sont anonymes et statistiques, influencer les décisions des individus. Tout individu a droit à son jardin secret et certains chercheurs ont démontré que la connaissance d'une surveillance de certaines actions peut limiter la liberté de décision et d'action de certains individus et modifier leur comportement, limitant ainsi leurs libertés par autocensure.*

#### **Intervention 6. Open Data aux principes de l'Open Government** Mohammed Adnène Trojette, Co Manager LIBERTÉ LIVING-LAB, Responsable de la mission Mission au Premier ministre sur la réutilisation des données publiques, Maître de conférences, Institut d'Études Politiques de Paris (France)

## Open Justice 2/2

**Salle / Hall :** FIE - Salle du Théâtre

**Horaire / Schedule :** 16h40 - 18h00

**Président de séance :** Pablo Oscar Gallegos Fedriani (*Professor de Direito Administrativo da Universidade de Buenos Aires e Juiz na Câmara Federal de Apelações no Contencioso Administrativo da Argentina*)

**Langue / Language :** Français/Português

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**Intervention 1. Democratic case management** Daniel Carnio Costa - Magistrat et Maître de conférences à l'École de la magistrature de São Paulo (Brésil)

Part 1 - Transparency and the Judicial Business Reorganization / Title 1 - The concept and goals of the judicial restructuring for companies / Title 2 - The negotiation: need of transparency as a condition sine qua non for the efficient result / Part 2 - Building the concept of the democratic case management / Title 1 - Justice as a Public Service / Chapter 1 - The need of efficiency / Chapter 2 - The access to Justice and Efficiency / § 1 - The traditional managing of simple cases / A - simple litigation / B - complex litigation / § 2 - The Democratic Case Management / A - Definition / B - Principles

**Intervention 2. Le juge fiscal à l'aune de la démocratisation de la justice : comment faire face au recul du droit au procès des contribuables ?** Zo Arlène Rasamoelina - Conseillère d'État (Madagascar)

*Les conceptions traditionnelles de la justice fiscale s'avèrent inefficaces pour établir un équilibre entre la liberté et les droits des contribuables et la nécessité de préserver les prérogatives de puissance publique de l'administration. Le juge fiscal malgache n'arrive pas encore à apporter des réponses aux enjeux de la légitimité fiscale et la légitimité de la justice. Cela résulte principalement de la multiplication des pouvoirs discrétionnaires de l'administration ainsi que de l'autolimitation des juges eux-mêmes. L'accès à la justice se trouve dès lors très limité, ce qui entrave les droits des contribuables et l'effectivité de la gouvernance. Cet article a pour objectif de démontrer que la mise en place d'une justice fiscale ouverte passe nécessairement par la consolidation et l'élargissement de l'office du juge fiscal. La démocratisation de la justice tient au juge.*

**Intervention 3. L'intervention du juge étatique avant et durant un arbitrage commercial international** Basiri Negar - Doctorante, Université Paris 1 Panthéon-Sorbonne

*L'intervention du juge en arbitrage, en tant qu'une étude comparative en droit français et droit iranien.*



**Intervention 4. The principle of technology and innovation for open government from the perspective of OGP (Open Government Partnership) and its relation to human rights. Fabíola Costa Acacio Pellini - Mestranda em Propriedade Intelectual, Inovação e Desenvolvimento pelo Instituto Nacional da Propriedade Industrial - INPI (Brasil)**

*A government is recognized as open in its management reflect four principles: transparency, accountability, citizen participation, and technology and innovation. Thus, we analyze the latter, addressing the importance of new technologies for innovation and enabling access to them for the use of society. Access to technologies leads to the other three principles cyclically and inseparably. The OGP is committed from his statement made in September 2011, Human Rights, through the Universal Declaration.*

**Intervention 5. The lawyers' right to privacy of the hiring fees Angélica Arruda Alvim - Université catholique pontificale de São Paulo (Brésil)**

*Open justice can not suppress the fundamental rights of the professionals involved in the judicial process. Notwithstanding this assertive, the Administration of Justice, whether public, the lawyer's role is private. That is because the lawyer should preferably represent the citizens, however, in legal relations the state to be democratic and not authoritarian, in the event of a dispute, should also interact with citizens through a lawyer, prosecutor or member. From this, it is clear that the lawyer should be paid by the citizens and their right to fees integrates their private property sphere. Integrating private property of the attorney, information regarding his recruitment fees is protected by their respective fundamental right to privacy, so that there should be no disclosure obligation of the object, the values in the agreed manner and time.*

**Intervention 6. The information of the Judicial Precedent as instrument of judicial security of citizens Eduardo Arruda Alvim - Université catholique pontificale de São Paulo (Brésil)**

*The social relationships stability is a necessary premise for the maintenance of the social peace. In last resort, who establishes the stability is the Judiciary through its decisions. In this context, the judicial precedent system represents an essential instrument for achieving consistency and predictability of judicial decisions and, as a result, inducing stability of social relationships. As an example of what recently happened in the Brazilian legal system, is the judicial precedents system that came to be extremely strengthened and modernized with the advent of the new Civil Procedure Code of 2015. From this perspective, the greater the access to the judicial precedents, the higher the level of stability of social relationships, to the extent that the population generates a mindset aligned to the predictability of legal situations and the consequences that may arise from the filing of lawsuits. That way, the existence of an open and fully computerized Justice to ensure the wide only restricted access to the digital inclusion condition is critical.*

# Cybersurveillance, security & Open Gov.

**Salle / Hall :** Bibliothèque Sainte-Barbe - Amphithéâtre

**Horaire / Schedule :** 16h40 - 18h00

**Président de séance :** Steve Friedland (*Professor of law and senior scholar - Law School faculty - Elon University - United States*)

**Langue / Language :** English

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**Speech 1. Cybersurveillance: The Limits of Cybersurveillance and Transparency in Open Government** Steve Friedland - Professor of law and senior scholar, Law School faculty, Elon University (United States)

In light of Yahoo's decision to support real-time U.S. email surveillance, the use by U.S. police departments of 'threat scores' based on a private company's surveillance data, and the Wikileaks release of Hillary Clinton's emails, can there be effective limits placed on government cybersurveillance and transparency in its sources? If so, should government be accountable for clearly defined limits -- including providing notice about what surveillance the government is responsible for as well as what it is not? This paper contends that the nature of cybersurveillance is changing rapidly and emerges in many forms. Cybersurveillance not only appears to obtain information, but is capable of spreading that information -- or, as seen with 'fake news' on Facebook and widely propagated Twitter rumors, misinformation. In a world where facts, innuendo and rumor are all becoming conflated, government accountability is ever more important to the checks and balances on power and to protect against the erosion of trust in government action. The paper further argues that the way cybersurveillance is used by a government -- and the transparency associated with it -- offers a possible bellweather sign about the government's propensity for imperial usurpation of power.

**Speech 2. Mass surveillance and Open Government Principles: the French legal framework** Jean Harivel - Doctorant, Université Paris 1 Panthéon-Sorbonne

*As part of the fight against terrorism, France then targeted surveillance of suspicious persons, broadened the surveillance in individuals with a connection with suspicious persons, without this link is criminal. France after the US is adopting a mass surveillance possibility of individuals.*

*But this extension is limited by the decisions of the Constitutional Council, which always finds the right balance between public interest and individual freedoms. In addition, the administrative judge can always intervene to cancel a regulatory decision and the judicial judge remains the constitutional guarantor of freedoms*



# Open Parliament & Open Gov.

**Salle / Hall :** Bibliothèque CUJAS - Salle de conférences

**Horaire / Schedule :** 16h40 - 18h00

**Président de séance :** Irène Bouhadana (*Droit des données, des administrations numériques et des gouvernements ouverts - Université Paris 1 Panthéon-Sorbonne, Secrétaire générale de l'IMODEV - France*)

**Langue / Language :** English

'Open Government' is a doctrine requiring that governments commit to a high level of transparency and provide mechanisms for public scrutiny and supervision, so as to ensure public trust, governmental accountability and a better functioning democracy.

Yet, while the idea of "open government" is slowly but surely spreading, inter alia in Europe, America and Oceania, much remains to be done. Indeed, even in Norway, whose commitment to open government is recognized worldwide, many aspects are still in need of improvement.

The collection of essays in this book explores these important issues and raises fundamental questions regarding the role national parliaments plays - or ought to play - in promoting openness and transparency. Additionally it continues some reflections on the various ways they handle these challenges in a context of internationalization and europeanization.

The book aims at contributing to an international and constructive dialogue towards more democratic participating and transparency worldwide, especially via or with the support of the parliamentary institutions.

**I. Bouhadana, W. Gilles & I. Nguyễn-Duy (sous la dir.) – R. Weaver (Preface), Parliaments in the Open Government Era, Imodev Edition, Paris, 2016.**

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**Intervention 1. Opening Parliaments in the Open Government Era – Comments on the Declaration on Parliamentary Openness** Irène Bouhadana - Directrice du Master 2 Droit des données, des administrations numériques et des gouvernements ouverts, Université Paris 1 Panthéon-Sorbonne, Secrétaire générale de l'IMODEV (France)

**Intervention 2. Open Government, French Parliamentary Allowances and the «Réserve Parlementaire» in a Sousveillance Society** William Gilles - Directeur du Master 2 Droit des données, des administrations numériques et des gouvernements ouverts, Université Paris 1 Panthéon-Sorbonne, Président de l'IMODEV (France)

**Intervention 3. Open Parliament and "Right to Law" Névine Lahlou - Doctorante, Université Paris 1 Panthéon-Sorbonne**

The aims of parliamentary openness are: promoting a culture of openness, making parliamentary information transparent, easing access to parliamentary information and enabling electronic communication of parliamentary information ([OpeningParliament.org](http://OpeningParliament.org), Declaration of parliamentary openness, [on line], [«http://openingparliament.org/static/pdfs/english.pdf»](http://openingparliament.org/static/pdfs/english.pdf)), read the 7/11/2016).

This requirement of transparency ensues directly from powers which the people representatives are surrounded due to their election. The article 6 of the Human rights Declaration provides that " the Law is the expression of the general will. All the citizens have right to contribute personally, or by their representatives, to its formation. " Thus the laws are create, according to a well known legal fiction, by the people and for the people. They cannot be created in the shade and without control, at the risk of creating a form of disaffection of the citizens towards them. The real stake is the democratic conception of the rule of law in itself. The circulation of information, involving in particular the conception of laws can help to enhance the access to the law (also called « Right to Law »). The access to the parliamentaries informations allows the citizens to be aware of dicussed laws and to give a real meaning of the maxim "ignorance of the law is no excuse". The citizen is not designed any more as a passive actor and becomes more active in the appropriation of the legal information dans the understanding of the parliamentaries stakes and in a more global perspective the decision making way.

The aim of this intervention is to wonder if the opening of parliaments contributes to the « Right to Law » and what are the most efficient tools to reach there.

**Intervention 4. Open Parliament for local Government: São Paulo's experience Eduardo Tuma - PhD. Senior Professor, City Councilman (São Paulo), PUC/SP (Brazil)**

**Intervention 5. Open Parliament and the Top-secret affairs: Is there any compatibility? Yves Delwaille - Doctorant, Université Paris 1 Panthéon-Sorbonne**

*The Top secret affairs are frequent in the diplomatic and military fields but can an information be disclosed for democratic purpose? What national interest is more important? Democracy or the strategic interests which need to remain secret in order to avoid that the competitor countries ajust their decisions? What are the boundaries of the Open Parliament in top-secret matters?*

**Intervention 6. El Parlamento: corazón del gobierno democrático representativo María Marván Laborde - Instituto de Investigaciones Jurídicas, UNAM, Mexique**

El Parlamento en cualquier democracia es el corazón del gobierno democrático representativo y, paradójicamente, su quehacer cotidiano se ha convertido en una caja negra, ajena al escrutinio ciudadano. La ciudadanía carece de información para entender qué hacen los legisladores, cómo arriban a ciertas determinaciones y cuales son los elementos esenciales para aprobar, rechazar o modificar una determinada pieza legislativa. Las

democracias están ávidas de incrementar sus márgenes de legitimación, en especial las democracias emergentes como es el caso de la mexicana. Los planteamientos esenciales de *Parlamento Abierto* en México buscan abrir canales de participación en la lógica propia de la democracia representativa. El papel de la sociedad civil ha sido fundamental para presionar y exigir al Congreso de la Unión que asuma políticas propias del Parlamento Abierto. La ponencia hará una evaluación de esta participación.

# Climate, Environment & Open Gov.

**Salle / Hall :** Bibliothèque CUJAS - Cerdoc

**Horaire / Schedule :** 16h40 - 18h00

**Président de séance :** Cécile Blatrix (Professor - AgroParisTech - France)

**Langue / Language :** English

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## **Speech 1. L’Afrique de l’industrialisation verte à l’industrie 4.0 Etienne Tshishimbi – CAPDA (Sénégal)**

*A l’heure où l’Afrique a comme priorité dans son Agenda 2063, la transformation structurelle de ses économies par l’industrialisation verte. Dans un contexte de compétition internationale exacerbée, pour surmonter les défis à venir, elle doit adopter l’innovation comme principe essentiel. Après l’étude des principales mesures adoptées dans ce cadre, une translation vers une économie de l’innovation n’est elle pas possible via l’ « Industrie 4.0 » ? Tout d’abord, une clarification du concept « Industrie 4.0 » permet de décrypter les intérêts. La place qu’elle donne au génie de l’hybridation, de la collaboration et de l’instantanée après avoir fait le décloisonnement entre filières, branches et métiers. Ensuite, l’observation approfondie de l’« Industrie 4.0 » en Afrique francophone, complétée par des entretiens avec quelques acteurs clefs du secteur industriel, nous permettra de noter les principaux freins à la transformation digitale de ce secteur car la transition vers le tout-numérique et les systèmes interconnectés doit s’accompagner d’une transformation plus globale, requérant des investissements considérables. Enfin, l’étude souligne des limites dans l’accompagnement pour le financement de la transformation numérique des PME/PMI et l’importance pour toutes les parties prenantes d’assurer la diffusion des ressources informationnelles pertinentes pour éclairer le grand public et les médias.*

## **Speech 2. Public Participation in Environmental Decision-Making in France : Does Open Gov. Make à Différence? Cécile Blatrix - Professor - AgroParisTech (France)**

**Speech 3. Making the air we breathe more transparent Romain Lacombe, CEO and Co-Founder of Plume Labs, and a marathon runner foiled by pollution**

**Speech 4. Governance bodies (public and private) - How to deal with digital disruption and societal transitioning ? Yannick De Kerkhor - Partner, Ernst & Young**

**Speech 5. Open Gov: accessing environmental information in the digital era Eleanor Mitch - CIDCE member, Wharton Initiative for Global Environmental Leadership Alumni Advisory Council, Doctoral student at the Université de Paris 1 – Panthéon-Sorbonne (France)**

**Speech 6. Free Access Public Information wing and their relationship to quality of life, parameters 2030 Agenda for Sustainable Development: the case of Paraguay** Maria-José Garcia Ascolani - Avocate, CLADH

*The theoretical framework of exploratory research will define what is the agenda of the ODS 2030? and What kind of document? it is about. It will relate and identify the parameters of the definition of quality of life and AIP for 2030 Agenda of the ODS and how it is referred to in the Agenda; and how are you transparency policies were set out in the Agenda.*

*The guidelines to be develop are:*

- *AIP basis of GA, der exercise participation. Participation and quality of life. Incorporation of the issue on the public agenda. Management and implementation of the law of AIP. We have not reached the impact assessment, to see radical impact on the daily lives of people. Majone 1997*
- *Assessment aip through citizen participation. Council for Transparency (Chile), MEXICO and URUGUAY case. PARAGUAY CASE.*
- *The active transparency factor for participation.*
- *Axles for strengthening democracy. Freedom of expression and access to information.*

# Big data & Gouv. ouverts

**Salle / Hall :** IRJS - Salle des Séminaires

**Horaire / Schedule :** 16h40 - 18h00

**Président de séance :** Willian Gilles (*Directeur du Master Droit des données, des administrations numériques et des gouvernements ouverts - Université Paris 1 Panthéon-Sorbonne, Président de l'IMODEV - France*)

**Langue / Language :** Français

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## **Intervention 1. "Surveillance", "Big Brother" ou "Panoptique"? Comprendre les enjeux du Pouvoir dans l'ère digitale** Antonio Pele - Professeur, PUC/SP (Brésil)

A partir du livre de Bernard Harcourt "Exposed" (Harvard University: 2015), nous allons réaliser une approche dite "critique" des relations de pouvoir sous notre ère digitale. Nous vivons ainsi dans une époque de l'"exhibition" directe et indirecte des individus, exhibition ou exposition qui a provoqué une production exponentielle de données numériques individualisées et individualisantes.

Les individus participent pleinement de la consolidation de ces nouvelles relations de pouvoir, dans la mesure où ce sont eux qui utilisent les produits et services leur permettant d'exhiber, sans aucune contrainte apparente, leurs vies privées et professionnelles. Ils sont donc aussi les architectes de cette "société d'exposition".

De par le jeu de ces deux premières caractéristiques, de nouvelles subjectivités, analogues et digitales, sont en train d'être formées, produisant des « vérités » façonnant constamment les besoins et désirs individuels, et légitimant le déploiement encore plus profond de nouvelles relations de pouvoir. Les économies des plaisirs et du punitif s'imbriquent et s'interpellent mutuellement.

## **Intervention 2. Le Big data est-il l'Eldorado des gouvernements ?** Thomas Bizet - Doctorant – Ecole de Droit de la Sorbonne (France)

*Le fantasme du Big data permettant de solutionner n'importe quel problème grâce à l'exploitation aveugle de données et de statistiques s'est propagé jusque dans les gouvernements.*

*Hors, cette approche qui consiste à traiter un grand nombre de données qui, corrélées, peuvent permettre de résoudre une partie du problème posé présente de nombreux risques collatéraux (risques relatifs à l'intrusion dans la vie privée, résolution du problème mais non de la cause du problème, biais cognitif dans le traitement des données, etc).*

*Cette présentation vise à démontrer que le "big data" n'est peut-être pas le miracle attendu, mais que les données, ouvertes, utilisées de manière appropriée peuvent effectivement révolutionner la manière de piloter les actions des gouvernements.*

**Intervention 3. Open Data et Big Data au service de l'économie collaborative** Ingrid Judith Obregon - Doctorante, Ecode de Droit de la Sorbonne (France)

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**Tuesday 6 December 2016**

**18h00-19h30 : Cocktail Dinner of the Academic Days**

**Salle / Hall :** Hall Saint Jacques

**Adresse / Address:** 12 place du Panthéon – 75 005 Paris

**Vernissage de l'exposition artistique « Open Issues »**

**Inauguration of the « Open Issues »art exhibition**

Durant le cocktail, le vernissage d'une exposition de photographies portant sur les thématiques du gouvernement ouvert sera organisé. De même, vous aurez la possibilité d'échanger avec les auteurs des posters scientifiques sur les gouvernements ouverts qui seront exposés pendant 14 jours à compter du 5 décembre 2016.

During the cocktail reception, a photography exhibition on Open Government issues will be organized. At the same time, you will be able to discuss with the authors of scientific posters on Open Government issues that will be exhibited during 14 days, from the 5th December 2016.

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## Closing ceremony - Academic Days 2016

**Salle / Hall :** Amphithéâtre Bachelard - Sorbonne.

**Horaire / Schedule :** 20h00 - 22h00

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### **Irène Bouhadana & William Gilles**

Associate Professor at the University Paris 1 Panthéon-Sorbonne,  
Director of the master Digital Law, eGovernment and Open Government of the Sorbonne Law School,  
Secretary-General of IMODEV

&

Associate Professor (HDR) at the Sorbonne Law School,  
Director of the Chair of the Americas, University Paris 1 Panthéon-Sorbonne,  
President of IMODEV.

### **Juan Gustavo Corvalán**

Procureur Générale de la Ville de Buenos Aires (Argentine)

### **María Guadalupe Treviño Valdez**

Directeur général Bureau et Décrets de la Présidence de la République d'Argentine

### **Ricardo Hasson Sayeg**

Professeur PUC/SP (São Paulo - Brésil) - Coordinateur académique - Sorbonne International Research Group - Human Rights and Economic Systems in the Digital Era

### **Daniel Carnio Costa**

Juge (São Paulo - Brésil) - Coordinateur académique - Sorbonne International Group Business Reorganization Insolvency and Bankruptcy Law

Musical interludes by **Baptiste Ponceau** and **Ingrid Obregon Tharaud**.

**Remise des diplômes / Graduation Ceremony - Master 2 - Droit du Numérique  
Administration - Entreprises - 2015-2016**

## **SCIENTIFIC EXHIBITION**

### **Exposition de posters scientifiques sur les enjeux des gouvernements ouverts**

### **Exhibition of scientific posters on Open Government Issues**

À l'occasion des journées universitaires sur les enjeux des gouvernements ouverts, une exposition de posters scientifiques sera inaugurée.

Ces œuvres seront exposées dans le hall Saint-Jacques du centre Panthéon de l'Université Paris 1 Panthéon-Sorbonne pendant toute la durée du Sommet de Paris sur les gouvernements ouverts.

During the Academic Days on Open Government issues an exhibition of scientific posters will be presented.

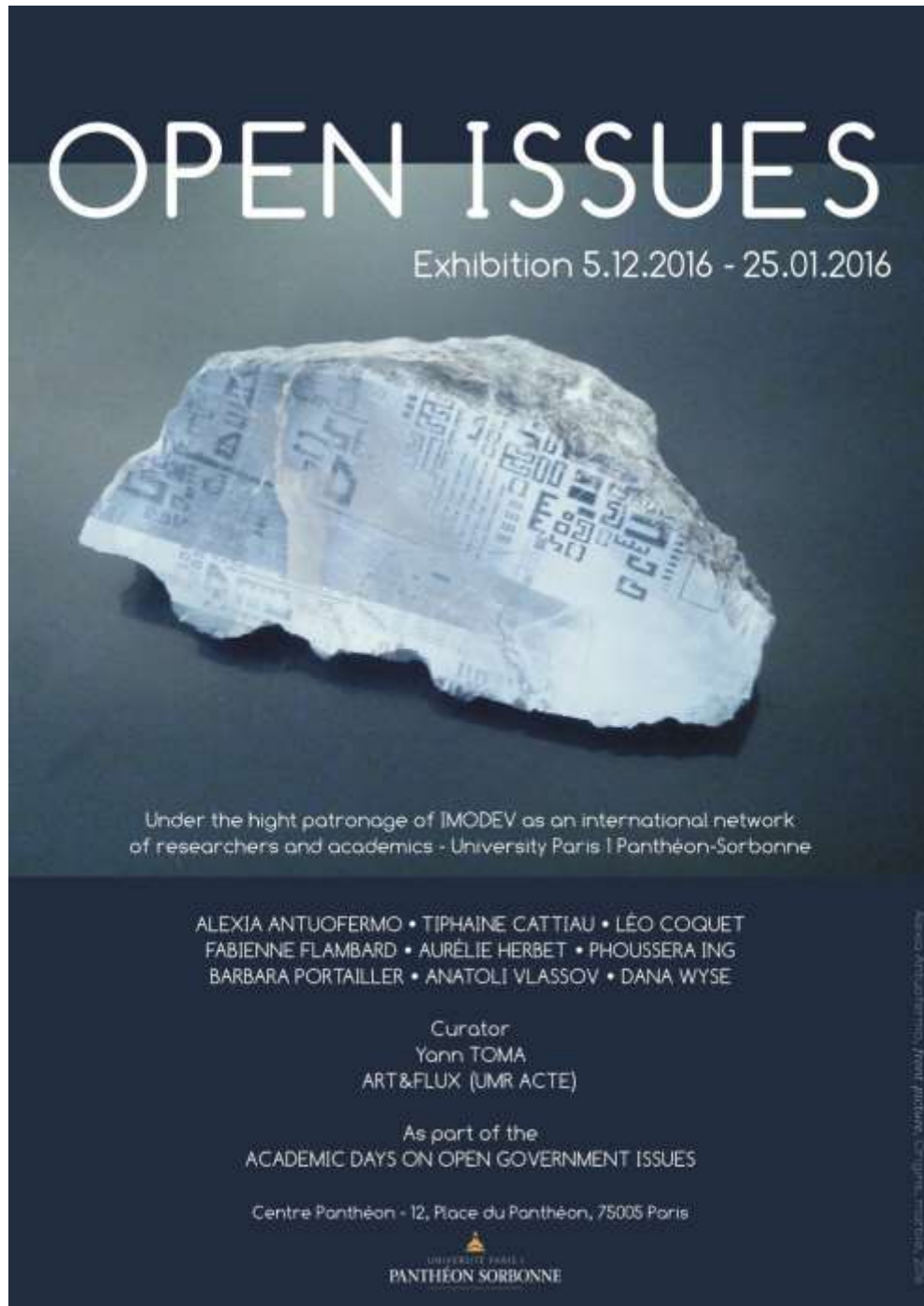
These works will be exhibited at the Hall Saint-Jacques of the Centre Panthéon de l'Université Paris1 Panthéon-Sorbonne during the duration of the Open Government Partnership Global Summit in Paris.

**Dates : 5 Dec. 2016 – 19 Dec. 2016**

**12 place du Panthéon – 75 005 Paris**

# ART EXHIBITION (5 Dec. 2016 – 25 January 2017)

12 place du Panthéon – 75 005 Paris



**OPEN ISSUES**  
Exhibition 5.12.2016 - 25.01.2016

Under the high patronage of IMODEV as an international network of researchers and academics - University Paris I Panthéon-Sorbonne

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Curator  
Yann TOMA  
ART&FLUX (UMR ACTE)

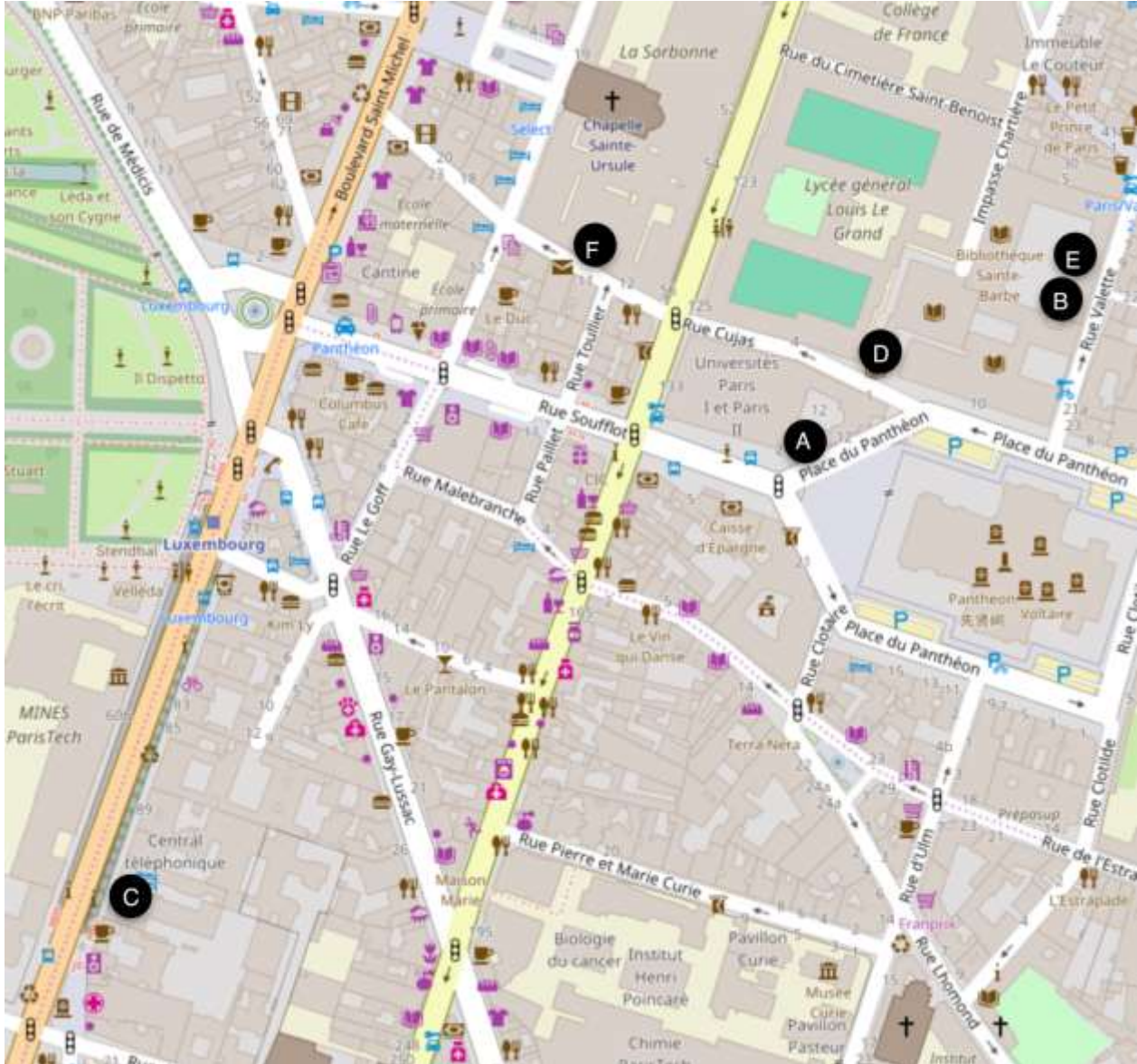
As part of the  
ACADEMIC DAYS ON OPEN GOVERNMENT ISSUES

Centre Panthéon - 12, Place du Panthéon, 75005 Paris

UNIVERSITÉ PARIS I  
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Artes et Médias / Antuofermo, Flambard, Cattiau, Coquet, Ing, Portailler, Vlassov, Wyse, 2016

# LOCALISATION DES SITES DES CONFERENCES / LOCATION OF CONFERENCE SITES



## Inauguration / Opening Session [5 déc. 2016]

- Université Paris 1 Panthéon-Sorbonne - Centre Sorbonne - entrée 14 rue Cujas - 75005 Paris

F

## Tables rondes / Round Tables [5 & 6 déc. 2016]

- Université Paris 1 Panthéon-Sorbonne - 12 place du Panthéon - 75 005 PARIS
- IRJS - Institut de Recherche Juridique de la Sorbonne - 4 rue valette - 75 005 PARIS
- FIE - Foyer International des Étudiantes - 93 boulevard Saint-Michel - 75 005 PARIS
- Bibliothèque interuniversitaire Cujas - 2 rue Cujas - 75 005 PARIS
- Bibliothèque Sainte Barbe - 4 rue valette - 75 005 PARIS
- Centre Sorbonne - 14 rue Cujas - 75005 Paris

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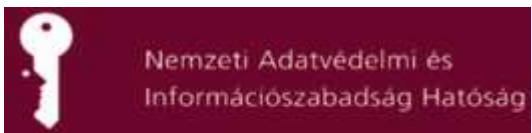


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