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## **The Big Question: What should governments keep secret?**

George O. Liber, Dieter Dettke, Frank Vogl, Maximilian C. Forte, Rick Falkvinge, Nada Alwadi, Chong Jan and Adil Najam

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THE BIG QUESTION

# Secrecy

WHAT SHOULD GOVERNMENTS KEEP SECRET?

FEATURING  
GEORGE O. LIBER  
DIETER DETTKE  
FRANK VOGL  
MAXIMILIAN C. FORTE  
RICK FALKVINGE  
NADA ALWADI  
CHONG JA IAN  
ADIL NAJAM

**W**ith secrecy a daily preoccupation of governments who routinely weigh security concerns over disclosure of covert operations, the balance of these two priorities becomes an ever more pressing national debate. We asked our panel of global experts what, if anything, they believe governments should or must keep secret.

**LIVING IN A SECRET WORLD****GEORGE O. LIBER**

All governments engage in furtive behavior and in the name of national security commit acts they prefer to conceal. It is often too easy to oversimplify the contrast between the “righteousness of openness” and the “evils of secrecy.” Not all confidential information held by governments needs to see the light of day. Personnel files of government employees, tax records of its citizens, sensitive internal agency memoranda, measures to control crime, and those to advance diplomacy and national defense should not be available to the media or the public. The devil, however, is in the details. When governments develop extensive police powers, create sophisticated surveillance systems, or gain control of the mass media, secrecy increases and accountability withers away. As the experience of Russia and most post-communist countries in Eurasia demonstrates, limited transparency too often nurtures moral and criminal corruption, massive fraud, and the undermining of democratic institutions.

*George O. Liber, a specialist on the Soviet Union and Modern Ukraine, is Professor of History at the University of Alabama at Birmingham and an International Election Observer for the Organization for Security and Cooperation in Europe (OSCE).*

**AS LITTLE AS POSSIBLE****DIETER DETTKE**

Total openness and transparency is not possible. Governments need confidentiality for consultations during negotiations on treaties, agreements, and joint actions. In the fight against international terrorism, certain data and information with regard to ongoing operations must remain secret. A legitimate question is whether

more public information on terrorists and terrorist organizations might be useful in the battle for the hearts and minds. More information on terrorists could help to delegitimize their cause. Too much work on terrorism by too many people is being done on the basis of secrecy. The enormous size of confidentiality must be reduced. The era of secret treaties is over. Today there is less demand for the art of deception. In a democracy, transparency is the normal, not the exception. Governments should keep secret as little as possible.

Moving forward into the post-Snowden era, broad legislation allowing governments to collect data on their citizens without public knowledge and only held in check by a secret court is not sustainable. The bureaucracies of law enforcement need more precise legislation and more efficient congressional oversight. The quality of legislation dealing with personal data needs to be improved. There is an urgent need for more balance between the needs of law enforcement and individual freedom. In the realm of the military, governments need room for secrecy and confidentiality. What governments legitimately need to keep secret must be checked with as much openness about capabilities and intentions as possible. Deception is only useful for the purpose of waging war. To avoid war, openness is an advantage.

*Dieter Dettke is a foreign and security policy specialist and an adjunct professor at Georgetown University.*

**GOVERNMENT ACCOUNTABILITY****FRANK VOGL**

In remote, poor villages across India, citizens are learning how to use the Right to Information Act to hold local government officials accountable. As a result, tens of

thousands of very poor people are securing healthcare and other social benefits to which they are entitled, but which corrupt officials have long denied them.

Indeed, access to information is crucial to curbing every facet of corruption. Some years ago, then UK Prime Minister Tony Blair halted a UK Serious Fraud Squad investigation into alleged foreign bribery by British Aerospace, Europe's largest arms manufacturer, on the grounds of national security. The Organization for Economic Cooperation and Development challenged Blair's decision, arguing it violated the OECD Anti-Bribery Convention. Eventually, the United Kingdom legislated a new tough anti-bribery law, and British Aerospace was prosecuted.

Too many governments claim a right to maintain information secrecy on the grounds of national security. This enables them to abstain from publishing their defense/military budgets and procurement in the defense sector. Needless to say, corruption is often rampant in the defense sector in such countries. When national security is deployed to assert secrecy, it needs to be tightly defined, and the public needs to be effectively assured there are vigilant mechanisms in place to guard against abuse. It is vital that those in government who are able to operate in secrecy do not have the ability to transform their operations into islands of corruption. The public has a right to know what areas of governmental activity its government wishes to keep secret, what the justifications are, and what respective independent review systems are in place to serve the public interest.

*Frank Vogl is the author of Waging War on Corruption—Inside the Movement Fighting the Abuse of Power and co-founder of Transparency International.*

## **SECRET FROM WHOM? MAXIMILIAN C. FORTE**

Not all governments are alike. There are not just differences in ideology, but also in the varying capacities of states which governments rule. Moreover, each is differently situated in terms of power in a global context. Strategies and objectives vis-à-vis citizens and other nation-states thus vary widely. So-called weaker states of the “periphery,” formerly colonized nations, especially those which are the targets of covert war, economic destabilization, and political interference both by more powerful states and by multilateral financial institutions, have historically been the ones with the most to lose from “openness” (whether voluntary, or as in most cases, coerced).

The question of what governments should keep secret also implies a second question: secret from whom? Here questions of legitimacy arise, and legitimacy is differently grounded and constituted across diverse societies. It is already understood that all governments attempt to restrict access to some information so it can be circulated among limited numbers of appointed agents and specialists. Secrecy is not so much about the “unknowable,” as it is about who gets to “tell” to whom, and when. Secrecy is embedded in relations of trust and notions of responsibility, but it can also impede accountability. Power is also the basis of secrecy, and sometimes secrecy is pursued for the sake of it—to entrench or advance that power. Secrecy is thus more about the power to set the rules governing knowledge acquisition than it is about the empirical content of the knowledge itself. Therefore, a catalogue of essentially secret information is not a productive avenue of inquiry either: the answer will not only be highly

variable given the diverse power and policies of states worldwide, but it will also be very contingent and in constant flux.

*Maximilian C. Forte is an associate professor in the Department of Sociology and Anthropology at Concordia University in Montreal.*

## INFRASTRUCTURE WAR

### RICK FALKVINGE

There is an infrastructure war going on at the moment. Who gets to control the world's information? Governments and corporations are fighting to get control over it, and to deny citizens both insight and control of the same. This is alarming. All societies in history with transparent citizens and a closed-door government have been low-happiness societies. We need the concept of privacy for the citizenry and the concept of accountability for government. Governments most definitely do not have any right to know everything about their citizens. They do not have the right to hold the electorate accountable for its opinions and votes.

Longer-term, we are slowly adopting a different perspective on public servants, and should ask ourselves why they are allowed to keep secrets directly related to their jobs from their employers at all. That's not something any other employee would be allowed to do. He or she would be fired on the spot. However, this does require a bit of change in perspective. We're still in the mindset of electing kings and queens to rule over us, rather than the mindset of conducting an interview to hire a public servant in our role of employer. Such a change would require a shift in doctrine in how several branches of government work. It would be impossible to collect governmental databases of private, sensitive information at all—a

positive change, I would argue. The next generation is going to demand that kind of accountability in the long term. Democracy, after all, depends on the electorate's ability to critically evaluate the performance of its elected leaders.

*Rick Falkvinge is the founder and first party leader of the Swedish Pirate Party.*

## BARING SECRETS

### NADA ALWADI

For an investigative journalist in the Arab world, government secrecy has always been a problem. Ideally, governments should keep secrets to a bare minimum. In an ideal world, governments should be completely transparent. But we don't live in an ideal world. So I understand when governments keep secrets in the name of "national security." But even when the government is using this reason legitimately, it should be used minimally. National security should be invoked only when the public is actually in danger, when the government or state is in conflict. It should not be used simply to preserve the reputation of the government. The term national security has been misused a lot in many countries by many governments simply to hide information from the public.

Though perhaps a legitimate excuse in some ways, national security has lost its meaning because it's been misused in many countries. We need to find a new definition and identify when governments can keep information legitimately. This decision will be based on the situation in any government, especially how democratic the government is. Transparency laws should be guaranteed and enforced, even by the United Nations. There should be a mechanism to push governments



who don't have transparency to enforce these kinds of laws, to allow the public to know what is going on. As a journalist, I feel strongly that citizens and the public should be able to pursue their right-to-know information. For journalists to investigate a story, they need access to this information, the government should grant that. But especially in the Arab world, governments act in complete secrecy. This opens the gates for corruption.

*Nada Alwadi is a Bahraini journalist, co-founder of the Bahraini Press Association, and recipient of the Award for Nonviolent Achievement by the International Center on Nonviolent Conflict.*

### **CHALLENGING SECRECY CHONG JA IAN**

The increasing public demand for information is challenging long-held government insistence on secrecy throughout East and Southeast Asia. This applies as much to societies with open political systems, like Japan, Korea, and Taiwan, as those with more government control, such as China and Vietnam. Citizens are demanding access to official information on everything from environmental impact assessments to development zoning and food safety.

In Singapore, perceived lack of transparency over population policy brought thousands out in an unprecedented protest in early 2013. Similarly, a desire for openness in the treatment of military personnel and the military justice system prompted approximately 250,000 people to demonstrate before Taiwan's presidential office in August 2013.

The opacity of the Chinese political system makes it difficult for China's neighbors to understand the motivation

behind Beijing's toughening position on maritime disputes, fueling regional apprehensions. Chinese officials admit not knowing the full extent of local government indebtedness, raising concerns about China's economy. The fact that member governments appear less forthcoming about ASEAN activities encourages skepticism about the organization's ability to deal with regional issues from maritime disputes to human trafficking.

Too much government secrecy can hinder cooperation in a world where information of varying levels of quality is increasingly abundant. Persistent official reticence promotes a distrust of governments worldwide. Citizens, businesses, and other governments may fear the worst under such conditions. Governments do need confidentiality to function, yet need to develop procedures for responding effectively to shifting demands of openness and secrecy. Developments in this direction benefit citizens, businesses, governance, and foreign policy. This is an area where Asian governments can do more.

*Chong Ja Ian is an assistant professor of Political Science at the National University of Singapore. His new book, *Imposing States*, examines the influence of rivalries and security concerns on formation of governments.*

### **IDEALLY NOTHING ADIL NAJAM**

What should governments keep secret? Ideally, nothing. They should not, and they cannot. Secrecy is a close cousin of prohibition. At the heart of both lie the cancer of societal distrust. Some truths may be difficult to handle. But the path of secrecy can be even more treacherous. A state that does not trust its citizens will produce citizens who do not trust their

state. The result is a vicious downward spiral. The state invents more reasons to withhold secrets. Citizens feed on their own doubts, including those that may not be so secret. In short, secretive states breed untrusting citizens, and untrusting citizens spawn conspiracy societies. My own country, Pakistan, is one such untrusting society, made all the more untrusting by a culture of secrets. Conspiracy is now a staple of our diets.

Second, technology has not only increased our ability to uncover the secrets of others, it has also decreased our ability to hold onto our own. Ironically, the net result is the desire to create more secrets, not fewer. The parallel between state secrets and state bans is, again, relevant. The goal in both cases is to regulate the information with which society can be trusted. In both cases, regulation is destined to fail. Again, Pakistan is

instructive. Recently, the government tried to block reports of the investigation into the Abbottabad operation at Osama Bin Laden's compound. The government has also banned YouTube. Neither has worked. Locating the investigative report on Abbottabad on the Internet in Pakistan is as easy as accessing YouTube.

Keeping some secrets may indeed be inevitable. But let them be so few, so infrequent, so vital, and so unusual that triggering secrecy requires not a public list or standard procedures, but deliberation, and maybe even introspection, at the highest levels. When in doubt, governments should err on the side of openness.

*Adil Najam, Professor of International Relations at Boston University, was Vice Chancellor of Lahore University of Management Sciences (LUMS).*



COMPILED BY  
JOHANA BHUIYAN  
AND  
VAUGHN WATSON