Whistleblowing, Transparency and Activism: Recent Trends

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Agenda

• Recent Trends in Whistleblowing…

1. The Emergence of Networked Whistleblowing

2. The Failures of Whistleblower Protections

3. Whistleblowing as Insurgent Truth and Activism: Reform and Revolution?
1. The Emergence of Networked Whistleblowing

- Networked whistleblowing
- Technologically enabled whistleblowing
- Features: protection of anonymity, facilitates mass leaking, global audience
Networked Whistleblowing

- 2006 WikiLeaks
  - 2010 partners with traditional media over Chelsea Manning leaks

- 2013 Edward Snowden leaks
  - with Harrison, Greenwald, Poitras, McAskill, The Guardian

- 2016 Panama Papers
  - Süddeutsche Zeitung + International Consortium of Investigative Journalists

- 2019 The Working Group on Syria, Propaganda and Media - OPCW whistleblowers (Douma attack)
Networked Whistleblowing

- **Open models** - source documents available, encourages citizen journalism, academic investigation...

- …works with *traditional media* …

- **Hybrid models** - source documents remain secret, selective release of stories
2. The Failures of Whistleblower Protections

- Chelsea Manning imprisoned for 7 years and subject to torture (Mendez, 2012), back in prison
- Daphne Caruna Galizia assassinated in 2017
- Julian Assange, arrested, confined, cut off from internet and communications, subject to smear campaigns, imprisoned in Belmarsh, subject to torture (Melzer, 2019)
“Silencing activities” (Bakir, 2018)

- Harassment of whistleblowers and their supporters - including family
  - Gun, Murray, Snowden, Greenwald, Tibbo)

- Militarization and the “Criminalization of protest” (Hollander in Munro, 2018)
The Fallibility of Whistleblower Protections

• Failure of law - lack of public interest defence for national security whistleblowers in the UK and US (e.g. Gun, Manning, Snowden)

• Ambivalence of protections

  • e.g. internal channels used to prosecute whistleblowers (Drake/Binney cases)

  • Radack and McClellan (2011: 74) - ‘the current [US] Whistleblower Protection Act is a sham’.

  • UK All Party Parliamentary Group on Whistleblowing report 2019 calls on stronger protections for whistleblowers - UK law is “opaque” and “too complex”.

  • But drawing on evidence from “400” people - no mention is made of the imprisonment of Julian Assange and no mention of WikiLeaks!
Official Secrets

• The Official Secrets Act “made not only secret service officers, like Katharine, but also journalists like Martin, Ed and Peter at the Observer - subject to prosecution if they disclosed information the British government considers damaging to the defence of the country or its interested abroad.” (Mitchell and Mitchell, p.30)

• Whistleblower protection laws must be strengthened to include a broader range of ‘accountability leaks’, which include ‘leaks that expose systemic illegality, incompetence, error, or malfeasance [and] challenge the system in ways that make the leakers the target of heightened enforcement’ (Benkler, 2014: 303)
3. Whistleblowing and Activism

• Whistleblowing and Anti-War Activism
Whistleblowing and Activism

“What has to be understood is that most whistleblowers are not natural activists - this one certainly wasn’t. We usually work in anonymous jobs, far from the spotlight. We are not campaigners or journalists or wannabe celebrities craving a platform. Our conscience tells us we must reveal what we know. We do that, we blow the whistle, and overnight the whole media circus descends on us. You just don’t know what to do... that’s why we stick together.” (Katharine Gun, in Mitchell and Mitchell, p.171).
Whistleblowing and Activism

- **Alliance building:**
  - Other Whistleblowers, NGOs (GAP, WikiLeaks), media, lawyers, politicians, UN Human Rights Council…. but citizenry?

- Long term Gramscian “war of position”

- **Reform?**
  - Iceland - new government, new constitution
  - Gun/Manning - ongoing conflict in Afghanistan and Iraq (and since then Libya, Syria…Iran)
  - Snowden - ongoing mass surveillance, some limited reforms:
    - US has banned the bulk collection of telephone metadata in the 2015 USA FREEDOM Act.
    - UK the appeal court also ruled in 2018 that parts of the Data Retention and Investigatory Powers Act 2014 needs to be substantially revized.
Insurgent Truth, Activism and “Insurgent Truth”

- de Lagasnerie (2016, p.104) writes, “the attack that Snowden, Assange, and Manning have mounted aims at the heart of the judico-political system.”
Conclusions

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  • The Emergence of Networked Whistleblowing
  • The Failures of Whistleblower Protections
  • Whistleblowing as Insurgent Truth and Activism: Reform and Revolution?
References


