

# **Whistleblowing, Transparency and Activism: Recent Trends**

Iain Munro

# 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!

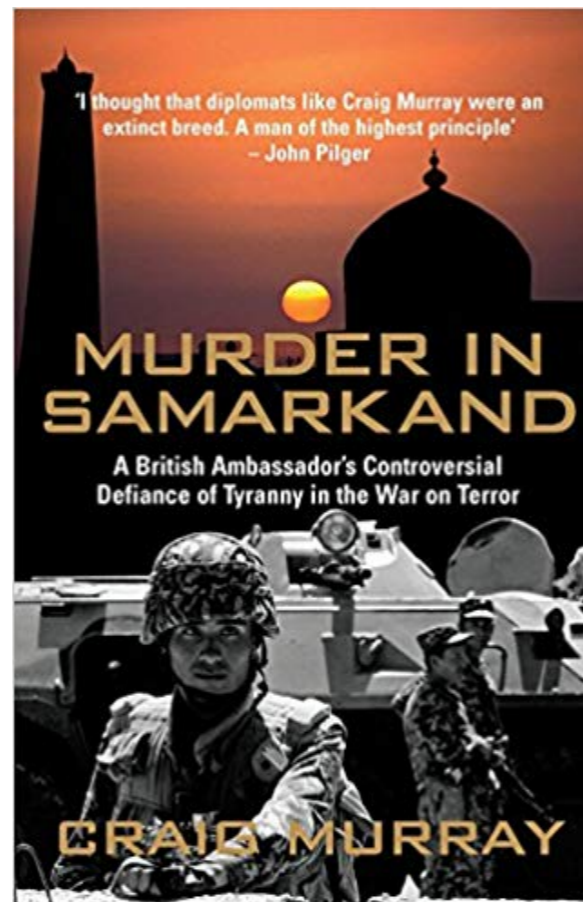


# Official Secrets

- 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

- Recent Trends in Whistleblowing
  - The Emergence of Networked Whistleblowing
  - The Failures of Whistleblower Protections
  - Whistleblowing as Insurgent Truth and Activism: Reform and Revolution?

# References

- Bakir, V. (2018) *Intelligence Elites and Public Accountability: Relationships of Influence with Civil Society*, Routledge
- Munro I. (2019) An Interview with Chelsea Manning's Lawyer: Nancy Hollander on Human Rights and the Protection of Whistleblowers. *Organization*, 26(2), 276-290.
- Benkler, Y. (2014) 'A Public Accountability Defense for National Security Leakers and Whistleblowers', *Harvard Law & Policy Review* 8(2): 281.
- de Lagasnerie, G. (2016) *The Art of Revolt: Snowden, Assange, Manning*, Stanford University Press  
Maxwell, L. (2019) *Insurgent Truth: Chelsea Manning and the Politics of Outsider truth-telling*", Oxford University Press, Oxford
- Mendez, J. (2012) *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Geneva: Human Rights Council, United Nations.
- Radack, J. and McClellan, K. (2011) 'The Criminalization of Whistleblowing', *The Labor and Employment Law Reform* 2(1): 57-77.