

# Nudging government to greater accountability

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There is an increasing need for stronger accountability of government and thus greater demands on transparency of the diplomatic and national security apparatus. However, despite the advent of WikiLeaks, which purports to expose cover-ups, exploitation and corruption by making the evidence publicly available, there are still many political and bureaucratic obstacles to overcome on the road to more open government.

Writing in the *International Journal of Intellectual Property Management*, Mohamed Chawki of the Center for Terrorism Law at St. Mary's University, in San Antonio, Texas, argues that current laws regulating transparency in the USA inherently assume that the disclosure of information can inform the public, stymie government operations or create great harm. Legislation is meant to balance the disclosure of information for the public good against putative harmful effects. However, who is to determine what is a good and what is a bad effect?

[Technological advances](#) have led to the advent of [citizen journalism](#), the open movement and the emergence of organizations, such as [WikiLeaks](#), which consider [open access](#) to information to be a good thing irrespective of any detrimental effects it might have on the smooth running of government and [diplomacy](#). Indeed, the acute effects of evidence of corruption or other [wrongdoing](#) may have immediate implications for the government of the day, but in the long run, it is argued, the potential for such evidence to reach the public expeditiously might have the long-term positive effect of making it more difficult for

politicians and those in power to exploit their position.

Much of the information kept "secret" by governments that occasionally leaks out, and more so in the age of Wikileaks, is perhaps entirely mundane and not necessarily newsworthy or even of any use to the public. However, it raises the critical question as to whether governments should be allowed to keep secrets, political, diplomatic or otherwise, at all. There are thin lines between the notions of so-called democracy, benign autocracies, and the oppressive dictatorial state.

Chawki points out that in the US at least, there are secrets, certainly, but much of the machinery of government is laid bare for all to see. "In reality, the diplomatic and national security apparatus of the US Government employs millions of people and consumes perhaps a trillion dollars annually," he explains. "Its internal architecture - a mass of laws, regulations, treaties, routines and informal understandings - was built up over three-quarters of a century and is now extraordinarily complex." He points out that, "Little of this happened in secret." Indeed, most of the critical decisions about US foreign policy and about the apparatus required to execute that policy were made openly by democratically elected leaders, and sanctioned by voters in over 30 national election cycles.

He adds that perhaps because of the scale and importance of this sector of US Government, "it ought to be subjected to close scrutiny [and] the existing inadequate oversight policies ought to be strengthened."

WikiLeaks will not necessarily solve the problem, but it might provide the much-needed nudge to propel the [government](#) towards such reforms.

**More information:** "WikiLeaks: transparency vs. national security" in *Int. J. Intellectual Property Management*, 2012, 5, 39-60

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