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Transparency International: excessive secrecy increases corruption risk in defence and security

New study highlights how classified information laws can be used to undermine safeguards to protect accountability

There is a growing trend amongst governments, not only in South Africa, to cite national security concerns as the reason for keeping information about defence and security secret from the public. A new report from Transparency International UK's Defence and Security Programme calls for improved legislation that seeks to balance genuine national security concerns with the public right to access information.

Corruption Watch, Transparency International's South African chapter, adds its voice to this important report, given the current reluctance to provide the public with meaningful information and the wide scope that exists in South Africa for organs of state to abuse their classification authority.

Executive director of Corruption Watch, David Lewis, comments: "in the recent past we in South Africa have witnessed security considerations being invoked to suppress public disclosure in a variety of instances. In major instances – for example the furore surrounding the refurbishment of the president's private residence and processes at the commission of enquiry into the arms deal – this suppression will, in the name of national security, undoubtedly hide information about corruption. We have also witnessed the passing of legislation – in particular the Protection of State Information Act – in which national security is invoked to suppress information. These are potentially subject to gross abuse in which national security considerations are utilised in order to supress information which should be made available to the public."

This critical study examines secrecy laws across 15 countries and the European Union, and dispels the notion that national security depends on high levels of secrecy. Secrecy is especially problematic in the national security and defence sector, where it is often as much a part of culture as of policy.

"A strong defence and security sector can coexist with the ability of citizens to access information and hold leaders to account," said Mark Pyman, the director of Transparency International UK's Defence and Security Programme. "In fact, greater openness can help reduce corruption, which devastates the effectiveness of defence and security establishments."

The study recommends practices that can help prevent corruption and malfeasance:

- information must only be classified when the public interest in withholding it outweighs public interest in disclosing it;
- it must not be classified indefinitely;
- classification decisions must be justified in writing; internal and independent external reviews should be part of the legislation;
- information should be properly archived;
- and civil society should be engaged both in the regulation of this field and in the oversight of classification.

Few countries studied met these standards.

The report supports the Global Principles on National Security and the Right to Information (the Tshwane Principles), a set of global standards to guide a state's authority to withhold information on national security grounds. The report provides good practice examples to support principles of openness in this sector in a range of countries, including Mexico and New Zealand.

"We hope that this report will inform the public debate about the appropriate ways to balance national security information and protect the public's right to information," said Adam Foldes, the author of the report.

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Background:
Transparency International UK's Defence and Security Programme helps build integrity and reduce corruption in defence and security establishments worldwide. It supports anti-corruption reform in nations, seeks greater transparency in arms transfers, and develops tools to improve defence and security integrity and oversight. The programme works with governments, defence companies, multilateral organisations, and civil society. The programme is led by Transparency International UK (TI-UK) on behalf of the TI movement. For more information about the programme please visit www.ti-defence.org.