Making transparency work

Ann FLORINI
Singapore Management University, annflorini@smu.edu.sg

Citation

Making Transparency Work

Ann Florini

Gupta[1] and Mason[2] provide a valuable service in highlighting the complex and contested nature of transparency as a tool of governance. In an era in which information flows and information technology play such fundamental roles, and in which norms about who has the right to know what are so rapidly changing, transparency clearly deserves its place as, in Gupta's words, "a key concept of our times."

In a slightly earlier version of her paper, Gupta concentrates on the operational uses of transparency in "governance by disclosure." She asserts that all such initiatives reflect a "procedural turn" in environmental governance that assumes that the right process will lead to the right results. She further asserts that all such initiatives share the assumption that information empowers. But these are two very different rationales for greater disclosure, and there is no reason to assume that both are operating in all cases.

Indeed, Mason's response is largely an argument that what really matters is who gets to determine what constitutes the "right" process and the "right" results. And he is quite correct. Disclosure policies can be designed to serve purely technocratic ends, making governance more efficient and possibly more effective without allowing any real shift in power. A public revelation that a local factory has spilled toxic substances into the local environment may force a cleanup, without allowing the local populace any say in whether that factory continues to operate and without creating any accountability for corrupt local officials who had previously allowed the factory to operate without adequate safeguards.

But Mason goes overboard in assuming that what we have seen so far with disclosure-based environmental governance is solely a procedural turn with no impact on power, that indeed it's merely another way of reinforcing existing power structures. He claims that there is an unexamined normative agenda of "scaling back of mandatory environmental regulation (nationally and internationally), the privatization of environmental resources, and the framing of information disclosure options in terms of individual lifestyle choices." Disclosure *can* be framed as an alternative to mandatory regulation. But it can also be a *form* of mandatory regulation, or more likely one of several regulatory tools si-

1. Gupta 2008 (this issue).
2. Mason 2008 (this issue).

multaneously employed. And it can also be used to empower, as India's experience leading to its sweeping 2005 right-to-know law attests.[3] That law arose out of multiple grassroots movements in many Indian states, driven primarily by demands of disempowered actors for information that would enable them to protect their rights.

The Indian case is one of many examples of a broader normative shift that Mason does not include in his list: a sweeping turn toward greater disclosure in many countries and corporations. Twenty years ago a mere handful of countries had any kind of freedom of information laws, but now some 70 do and the number continues to rise. Not all are meaningfully implemented, but a significant number are, and several (particularly the Indian and South African laws) are far more sweeping in their assertions of citizens' rights than anything seen in the industrialized democracies. Although disclosure-based regulation emerged largely in the environmental field (notably with the US Community Right to Know Act in the mid-1980s) and has gone furthest in that field, part of the normative context that needs to be considered is this shift toward greater openness.

For that reason, the discussion is enriched if we look beyond the literature that deals strictly with environmental governance to see what other strands of scholarship have to contribute. Most notably missing from the Mason article and the earlier Gupta piece is any reference to the works of Mary Graham and her colleagues at Harvard, who have systematically explored exactly the kinds of analysis that Gupta in particular says is needed on the conditions under which disclosure has its varied effects.[4]

Mason is kind enough to cite my introduction to the recent edited volume *The Right to Know.* But a deeper look into the book would uncover chapters that deal exactly with the broader normative questions Mason raises. Richard Calland's chapter on the private sector, for example, goes into considerable detail about the potential role of transparency in redressing the loss of democratic accountability that has accompanied the privatization of services such as water.[5]

I could not agree more with Mason's argument that awareness of the "broader political economy of competing governance norms is necessary to understand the diffusion and reception of mechanisms for disclosing environmental information." Certainly disclosure systems can function in ways that don't change existing power structures, or that don't accomplish much of anything. Transparency in and of itself is a limited tool. But there is nothing static about the normative environment, and access to information can help to shift that environment. Disclosure can be just a small step within an existing system, but it can also help to transform that system. The few works cited above are just the beginnings of what I hope will become a much more extensive literature that can elucidate how, when, and why transparency matters in governance.

3. Singh 2007.
4. Fung et al. 2007; and Graham 2002.
5. Calland 2007.

References

Calland, Richard. 2007. Prizing Open the Profit-Making World. In *The Right to Know: Transparency for an Open World*, edited by Ann Florini. New York: Columbia University Press.

Fung, Archon, Mary Graham, and David Weil. 2007. *Full Disclosure: The Perils and Promise of Transparency.* Cambridge, UK: Cambridge University Press.

Graham, Mary. 2002. *Democracy by Disclosure: The Rise of Technopopulism.* Washington, DC: Brookings Institution Press.

Gupta, Aarti. 2008. Transparency Under Scrutiny: Information Disclosure in Global Environmental Governance. *Global Environmental Politics* 8(2): 1–7.

Mason, Michael. 2008. Transparency for Whom? Information Disclosure and Power in Global Environmental Governance. *Global Environmental Politics* 8(2): 8–13.

Singh, Shekhar. 2007. In *The Right to Know: Transparency for an Open World*, edited by Ann Florini. New York: Columbia University Press.