

The role of Access to Information in Enabling Transparency and Public Participation in Governance

A case study of Access to Policy Consultation Records in South Africa

D L Marais

Department of Psychiatry, School of Clinical Medicine,
University of KwaZulu-Natal, Durban
Research Development and Support Division, Faculty of Medicine and Health Sciences
University of Stellenbosch, South Africa

M Quayle

Department of Psychology and Centre for Social Issues Research
Faculty of Education and Health Sciences
University of Limerick, Limerick, Ireland
Discipline of Psychology, School of Applied Human Sciences
University of KwaZulu-Natal, South Africa

J K Burns

Discipline of Psychology, School of Applied Human Sciences
University of KwaZulu-Natal, Pietermaritzburg, South Africa

ABSTRACT

The operationalisation of good governance principles such as transparency and public participation depends largely on the degree of access that citizens have to government information. This article is based on the notion that citizens should be informed about what government is or does (transparency) and provided with sufficient opportunities to influence this (public participation). Both of these depend on the provision of reliable information before, during and after policy consultation. The article explores how transparency may be operationalised through access to information and how this is implemented in South Africa through the Promotion of Access to Information Act. It then focuses on policy consultation as a mechanism for government transparency that can only function adequately if the public has access to information concerning both the policy and the consultation



process. This case study documents is an attempt to obtain records concerning public consultation on mental health policy from a number of South African government departments. Findings suggest that access to information is variably applied across national and provincial Departments of Health, and that legislation regarding the transparency of policy consultations appears contradictory. Based on these experiences, we reflect on potential tensions between the accountability and transparency functions of access to information and public participation in policy making (vis-à-vis policy consultation), and how these tensions can obstruct public participation. We recommend that guidelines be established regarding systemic procedures for taking and keeping records on public consultations.

INTRODUCTION

In recent years, the manner in which government interacts with its citizens in the performance of governmental duties and administration has been an increasingly contentious issue in South Africa (Netswera & Kgalane 2014). Globally, this is matched by calls for greater government transparency, accountability, and citizen engagement through participation and inclusion as fundamental principles of good democratic governance (Abelson & Gauvin, 2004; Cloete & Auriacombe 2007; Siddiqi *et al.* 2009). Varying degrees of emphasis have been placed on each of these good governance principles with respect to their role in building public trust (Grimmelikhuisen 2012; Wang & Van Wart 2007). While frequently presented as a unified agenda, there are underlying tensions when applying these values in practice, as they compete with one another for attention and resources (Carothers & Brechenmacher 2014). In this article, transparency and public participation are de-linked from accountability in order to treat the former principles as essential elements for public trust in their own right. In our view, accountability introduces an element of evaluation (for example, to requests for access to government information) that may serve more to obstruct than facilitate the realisation of transparency and public participation. This article documents a process of attempting to obtain records concerning public consultation on mental health policy from a number of South African government departments and, based on these experiences, reflects on potential tensions between the accountability and transparency functions of access to information and public participation in policy making – *vis-à-vis* policy consultation.

The operationalisation of good governance principles such as transparency and participation depends largely on the degree of access that citizens have to government information. Citizens need means to engage with governments and to assess, through access to relevant and timely information, the extent to which governments are performing the responsibilities of public office effectively and efficiently. If governments are to be transparent about how and why decisions are made, they need to both give citizens the opportunity to contribute to the process, and provide relevant information regarding those decisions. In particular, democratic policy making should be conducted transparently (Cloete & Auriacombe 2007; Head 2010) and should allow opportunities for the public to contribute to those policies (Mutula & Wamkoya 2009). Our premise in this article is based on the idea

that public trust will be compromised if citizens do not know what government is or does (transparency) and are not provided with sufficient opportunities to influence this (public participation). Both of these rely to a certain extent on the timely and reliable provision of information about policies and policy making processes.

LITERATURE REVIEW

Operationalising transparency vis-à-vis access to information

In assessing transparency *vis-à-vis* access to information, one needs to consider both the nature of the information itself – relevance, quality, consistency and so on – as well as the conditions surrounding the provision of such information, including the processes and procedures for recording, storing, granting access, and retrieval. This requires governments to have both the will and the capacity to keep appropriate, reliable records, and to respond to and process requests for such records in a timely manner. If any of these elements are not present, the potential for transparency is weakened. Irrelevant information can mask important issues and may divert attention away from critical issues, while information that is incomplete or of poor quality can erode confidence in the validity of the information provided (Cloete & Auriacombe 2008). The manner and consistency with which the information is compiled also impacts on the reliability and quality of such information. Information regarding a consultation process, for example, should be comprehensive enough for the reader to determine how and why decisions resulting from such a process were made. Furthermore, if governments are unable to locate and retrieve records that concern government services and decisions, this will affect citizens' trust in government (Wamkoya 2012). In summary, the usability of information is largely dependent on the nature of the information (Cloete & Auriacombe 2007), as well as on how governments are able to manage such information and to process requests for this information.

An important first step towards operationalising transparency is drafting and implementing freedom of information legislation. In South Africa, the right of access to information is enshrined in the *Constitution of the Republic of South Africa* (Republic of South Africa, 1996) and enacted through the Promotion of Access to Information Act (PAIA) (Republic of South Africa 2000). The PAIA sets South Africa apart by making it one of the first and few countries in Africa to have access to information legislation (Wamukoya 2012). Since the implementation of PAIA in 2002, however, various reports documenting requests for information under PAIA have highlighted a number of weaknesses in both the capacity and willingness of government departments to implement it (see, for example, Cloete & Auriacombe 2008; Darch & Underwood 2005; Harris 2004; McKinley 2003; ODAC 2003; Peekhaus 2011; SAHRC 2003, 2009). Many bodies – both public and private – have neither the resources nor the capacity to carry out the obligations required by PAIA. However, notwithstanding the obvious insufficiencies in institutional resources, *capacity* to comply and *willingness* to comply have tended to become confounded, such that “a secretive civil servant can credibly claim a lack of resources as a strategy for the effective denial of access” (Darch & Underwood 2005:78). A number of bureaucratic tactics may be employed to thwart public access to information, including outright refusal to deal with such requests to begin



with – what the Open Democracy Advice Centre refers to as “mute refusal” (ODAC 2003:1). ODAC’s (2003) monitoring study of PAIA revealed that over half of requests for information were simply ignored. This occurs in a context of lack of buy-in by senior management to the principles and spirit of PAIA, which Peekhaus (2011:544) argues has resulted in “the internalisation of a mindset among some personnel that equates information sharing with risk and vulnerability for their employer.”

This may in part be because the way in which we talk about access to information is by linking transparency with accountability, such that public officials may find themselves unable to be transparent without some sense of being evaluated or criticised. (Through Google searches on 25/09/2015, it was established that transparency co-occurs with the word accountability about 10% of the time when the search is on international sites. When the search is restricted to .za domains (South Africa), this percentage jumps to 50%. On .gov.za searches (South Africa government websites), transparency co-occurs with accountability up to 75% of the time). Invoking legislation such as PAIA may be seen as the sanctioning mechanism that could trigger accountability concerns, even when such requests are made in the interests of enhancing public participation. Such suspicion and distrust has resulted in the widely held idea – and practice – that “mere suspicion on the part of an information officer that a request (is) motivated by ill intention constitute(s) sufficient grounds for refusal” (Nassimbeni 2005, in Darch & Underwood 2005:82). This occurs despite the fact that, at least in requests for public records, the Act is clear that the reasons for such requests should not influence granting of access. Where state suspicion about the use of information against the government takes precedence over the right of the public to access to information, it is likely that requesters may be put off from invoking PAIA for fear of these being experienced as ‘strong arm’ tactics and thus eliciting a hostile response (Dick 2005; Open Society Justice Initiative 2006; Peekhaus 2011). This leaves citizens in a situation where invoking PAIA may get a negative response, if any response at all, while not invoking PAIA to request information may similarly receive a negative or non-response, with no recourse to appeal.

The PAIA distinguishes between access to records held in a public capacity versus those held in a private capacity, thereby imposing more stringent standards of transparency and accountability on the public sector (Bosch 2006). Importantly, this distinction also removes the obligation on those seeking information from the public sector to justify such requests for information (Cloete & Auriacombe 2008; Peekhaus 2011). There are of course grounds for public officials to refuse requests for information; PAIA outlines a number of such conditions, including protection of privacy of a third party (private person), protection of certain records of the South African Revenue Service, protection of the safety of individuals or property, and defence, security and international relations of the Republic (PAIA 2000). In addition, PAIA very clearly states that, regardless of the reasons for refusal of a request for information, this must be communicated to the applicant (PAIA 2000). While it is expected that there are reasonable conditions under which refusal to grant access to information may be warranted, section 44 of PAIA, *Operations of Public Bodies, under Grounds for Refusal of Access to Records*, is perplexing. This section states that “an information officer of a public body may refuse a request for access to a record of that body if the record contains ...an account of a consultation, discussion or deliberation that has occurred, including, but not limited to, minutes of a meeting, for the purpose of assisting to formulate a policy or take a decision in the exercise of a power or performance of a duty conferred or imposed by law” (Republic

of South Africa 2000, p. 36). This seems to suggest that requests for access to records of public consultations about public policies may be refused. Given that public participation in government decision making is actively pursued by the South African government (see further discussion on this below), and given that public consultations are a means of increasing government transparency in policy making, this clause seems controversial. If records of public consultations by public bodies regarding public policies are not available to the public, it raises questions around what is meant by *public* and what is meant by *consultation*. Inclusiveness, shared responsibility, openness throughout the process, access, transparency, and respect for public input are also principles behind public consultation in South Africa (De Villiers 2001:159-160). And yet, the PAIA clause regarding access to records of public consultation seems contradictory to these principles. It is necessary to therefore briefly consider the place of public participation in South Africa. – Reviewers comment: More explanatory literature need to be infused. Deal more with the FOI ACT and expand.

Operationalising transparency vis-à-vis public participation in governance through policy consultation

Policy consultation and public participation in political decision making are ways in which governments can ensure transparency (Abelson & Gauvin 2006; OECD 2010). Understandings of public participation, and corresponding methods of engagement, vary widely (for typologies of public participation, see Coleman & Gotze 2001; Rowe & Frewer 2005; Shipley & Utz 2012). If public participation is understood as information provision, examples include access to public records and government gazettes; if public participation is understood as consultation, examples expand to more two-way processes such as inviting commentary on draft legislation or public opinion surveys (Coleman & Gotze 2001). Each of these approaches relies to a greater or lesser extent on the exchange of information (Rowe & Frewer 2005). To adequately assess, therefore, whether and how public perspectives informed policies, and whether the process was open, transparent and inclusive, it is critical to have a paper trail regarding how these decisions were made and how the public was consulted. Whether the goal of public engagement is information provision or inviting public deliberation to prioritise policy options, it is generally accepted in democratic societies that citizens need to be fully informed about both the decisions that affect them and the way in which those decisions were made (Rowe & Frewer 2000). The International Association for Public Participation (IAP2 2007) has put forward a set of core values that underscore public participation. These are listed in Table 1. Implicit in these values is the assumption that public involvement in, for example, policy decisions, can only be fully realised if participants have access both to the decision making process and to the decisions made during those processes. This implies that transparency is central to public participation and, *ipso facto*, that the processes through which policies are developed and consulted on are documented in clear and accessible records.

South Africa is a representative democracy that also espouses in its Constitution (Republic of South Africa 1996) the principles of participatory democracy – the right of citizens to influence government decisions. Parliament and the nine provincial legislatures are constitutionally



Table 1: IAP2 Core Values of Participation (IAP2 2007)

| |
|--|
| <ol style="list-style-type: none">1. The public should have a say in decisions about actions that could affect their lives.2. Public participation includes the promise that the public's contribution will influence the decision.3. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision-makers.4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.5. Public participation seeks input from participants in designing how they participate.6. Public participation provides participants with the information they need to participate in a meaningful way.7. Public participation communicates to participants how their input affected the decision. |
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mandated to elicit public participation in decision-making and policy processes (Buccus & Hicks 2011). The South African government has thus explicitly recognised public participation as critical at all levels of government (Nyalunga 2006). The National Policy Framework for Public Participation (Department of Provincial and Local Government, South Africa 2007) broadly outlines the rationale for public participation and provides guidance specifically for local government (wards and municipalities) to involve communities in decision making. This Framework draws on the White Paper on Local Government (Republic of South Africa, 1998), which is based on *Batho Pele* (People First) principles, including making local government more accessible and accountable to communities, and providing meaningful and relevant information to the public on a continuous basis (Arends 2011). Indeed, a publication produced by Parliament regarding public participation emphasises that “ready access to and the appropriate distribution of information is critical...The credibility of information is also critical. This issue relates closely to the question of legitimacy” (Parliament of South Africa, n.d.).

And yet, the PAIA grounds for refusing requests to access information about public consultation seem to contradict the values of public participation espoused in the Constitution and other legislation. Perhaps this is because *the public* has not been clearly defined when speaking about public participation (Florin & Dixon 2004), or perhaps it is because the definitions of and rationale behind public *participation* are not clearly articulated (Conklin, Morris & Nolte 2012). While public participation is taken up as a value goal, its realisation in practice – such as through accessing information about policies and policy consultation processes – does not seem to be followed through. Consultation should not stop at consultation *events*: citizens should be able to comment on policy drafts that consolidate the input from such forums so that consultation moves from once-off event to ongoing process of engagement (Cook 2002). But, in South Africa at least, there seem to be no policies or guidelines for public officials organising these consultation processes regarding how the consultation should be recorded, what form these records need to take and how they should be stored, and how access to such records should be managed.

Ultimately, records management and access to information is critical for government transparency, which in turn is central to the realisation of good governance. In the case of South Africa, the operationalisation of transparency through enabling access to information has had limited success. Furthermore, while public participation in policy making is promoted

in South Africa at all levels of government; legislation regarding the transparency of the policy consultation process appears contradictory. What follows is a case report documenting efforts to obtain records regarding a policy consultation process. It demonstrates, among other things, a lack of consistency in how government departments are giving effect to the principles of transparency and public participation.

BACKGROUND TO REQUEST FOR RECORDS ON POLICY CONSULTATION

South Africa's first mental health policy was promulgated in October 2013 (Department of Health 2013), following a lengthy policy development process. Early in 2012, the Department of Health (DoH) asked each of the nine provinces to hold provincial mental health summits to get stakeholder input on the draft mental health policy document. These discussions would feed into a national mental health summit, which would ultimately inform whether any substantive changes should be made to the draft policy. The consultation process culminated, in April 2012, in the national mental health summit, where delegates gathered over two days to discuss the draft policy and make recommendations. At the end of the national mental health summit, a declaration was issued which contained the recommendations from the two day discussions, following which a task team was established to work on finalising the mental health policy and eight point strategic plan that were adopted in October 2013.

In May 2013, as part of a study that set out to show what lines of evidence were taken up into policy via the consultation process, we sent requests for the records, minutes or transcripts from each of the provincial mental health summits held in 2012. They were addressed to the relevant DoH managers in each province. We also requested the transcripts or records of the national mental health summit from the National Department of Health. Notably, one of the authors who sent the requests had been a key role player in a provincial mental health summit and had a history of engagement with the National DoH on mental health policy; it was anticipated that this 'insider connection' might facilitate a positive response to the requests.

FINDINGS: A CASE STUDY OF REQUESTING POLICY CONSULTATION RECORDS

As public consultations, both the provincial and national summit proceedings could be considered public record. One would therefore have expected the reports or transcripts from these summits to be available to a member of the public upon request. However, when requesting these records from the nine provincial Departments of Health, we found that there was a large degree of variability in terms of how willing provinces were to share this data, as well as the format in which this data was presented. While none of the provinces explicitly refused to release their summit records, we were unable to directly obtain summit reports or transcripts from five of the nine provinces. Among these five provinces, responses ranged from silence or non-responsiveness, to wariness about what we were going to do with the data, ultimately resulting in no records being released. In addition, the inconsistencies



in record keeping across provinces, as evidenced by those provinces that did send summit records, can be considered a potential limitation to access to information and transparency.

Of the nine provinces, four (Province A, Province B, Province C and Province D) provided some form of record of their provincial mental health summit. Provinces A, B, and C sent these records upon request, with no questions about how the data would be used beyond what was explained in the request for information. One province, Province D, responded initially that *"The Department agrees to make copies available of the recordings or transcripts ...However; classified information cannot at this stage be made available for the research."* No copies of the recordings or transcripts were sent along with this response. We responded to ask for clarification about the issue of classified information, stating that, as far as we were aware, the summit proceedings were in the public record. We were then referred to the relevant directorate, who sent Province D's provincial summit record in the form of a summarised written report, but did not send any direct record of the proceedings.

The ways in which the summit proceedings had been recorded also differed from one government department to the next. Provinces A and D submitted a full written report of the summit, while Province A also sent some presentation slides and published papers which appeared to have formed part of the breakaway group discussions at the summit. Province C sent presentation slides, which seem to have accompanied an oral report-back of the summit. Province B sent seven compact discs on which the audio recordings of the whole provincial summit were saved, as well as written declaration that resulted from Province B's summit. The National Department of Health escalated our request through relevant official levels and the entire audio recordings of the two-day national mental health summit were sent to us on an external storage device. Notably, in the cases where full audio recordings of the summits were received, the requester had either been instrumentally involved in the organisation of the relevant summit or had pre-existing collegial relationships with those to whom the requests were sent.

The remaining five provinces had varying responses to our requests for summit records. Two – Province H and Province I – were completely unresponsive (non response by silence, or mute refusal), despite multiple attempts to make contact with the DoH managers. Province F sent a written response at first, informing us that *"the report is in its initial draft stage as it is being considered and engaged upon by the Executive Management of the department. Once that process is concluded, it will be released for your consumption."* This was despite the fact that the requests for summit records were made more than a year after both the provincial and national summits had been held. Despite further attempts to request the report from Province F, no further responses were forthcoming. The two remaining provinces, Province E and Province G, seemed somewhat protective of the data we had requested. At first, Province E acknowledged receipt of our request in writing. Then they wrote asking for *"a copy of the student's research proposal. We are trying to facilitate this process through the research unit within our Department and we need to submit all relevant documents to them."* Although this could be considered a reasonable request, it is unclear why this would be necessary if the summit records were part of public record and any member of the public would have access to them under the Promotion of Access to Information Act. Despite submitting the requested research proposal and attempting to make further contact, we did not receive any summit records from Province E. The response from Province G was similar. They telephonically requested the research proposal. After sending the proposal, further attempts to obtain the

summit records were met with no response. Table 2 shows the variation in responses to the request for summit records across provinces, as well as variations in the format of the five records that were submitted.

Table 2. Provincial responses to requests for summit records in the present study

| Province | Initial response | Final response | Summit record sent |
|-------------------|--|---|--------------------|
| Province A | Sent the summit record. | | Y |
| Province B | Sent the summit record. | | Y |
| Province C | Sent the summit record. | | Y |
| Province D | Agreed but would not release "classified information." | Referred to relevant directorate, which sent the summit record. | Y |
| Province E | Acknowledged receipt. | Requested research proposal. No further response. | N |
| Province F | Responded that report was still in draft stages. | No further response. | N |
| Province G | Acknowledged receipt. | Requested research proposal. No further response. | N |
| Province H | No response. | No response. | N |
| Province I | No response. | No response. | N |

DISCUSSION

The case study above demonstrates that access to information seems to be variably applied across different government departments in South Africa. Responses ranged from complete transparency through full disclosure, to absence of transparency through silence, with wariness or suspicion occupying the middle ground. It is possible that the level of access granted was at least partly influenced by the degree of 'insider connection' we had with those in positions of power, who could grant or refuse our requests. Further, the contrast between the accesses we were granted at national level compared with that of many provincial departments suggests that it is not the case that we were unable to obtain consultation records due either to not explicitly invoking PAIA or due to the clause in PAIA allowing for refusal of requests for such records. Our experience is consistent with a number of issues identified by previous research in implementing PAIA, including lack of access due to poor capacity to comply and lack of access due to ambivalent willingness to comply. In our case, for example, non-response through silence (mute refusal) could be interpreted in at least two ways. One is that some government departments do not have the administrative infrastructure for dealing with requests for information in terms of having dedicated contact persons and systems for dealing with such requests. Lack of response may, in this instance, simply have been a case of our requests falling through the cracks. The second possibility is that an unwillingness to share information is cloaked in failures of administrative process

through non-response. As the requesters of information, it is not possible to know which of the reasons behind non-response were in operation. Given the veiled references to information being protected or classified, however, it is not unfeasible to imagine that non-response was an act of obfuscation. The implications of lack of capacity-related non-response and of deliberate non-response are briefly dealt with below.

Challenges with respect to administrative capacity in relation to granting access to information have been well documented (Darch & Underwood 2005; Dick 2005; ODAC 2003; Peekhaus 2003). In relation to non-response due to (inferred) lack of capacity, if a response to request for information is not received within a certain time period, the (non) response is nonetheless classified as a refusal to said request (Section 27, PAIA). According to McKinley (2003:4), “this allows holders of information the option of simply ignoring certain requests and gives lie to one of the main objects of PAIA which is ‘to promote transparency, accountability and effective governance of all public and private bodies.’” In addition, the nature of received records themselves was inconsistent in this case, showing lack of uniformity in how public consultation proceedings are documented. This suggests that administrative processes that should facilitate access to information may actually serve to hinder transparency. Keeping good records and good record keeping practices, for example, are as important to access to information as is the granting of access to information itself. “Given that PAIA only covers information that is recorded, the realisation of the right of access to that information requires that people know what records are in the custody of public and private bodies, that the records are properly kept and that they are readily available. On all three fronts, there is a long way to go” (McKinley 2003:13).

The records requested in this case were of a public consultation process regarding a draft mental health policy that had been circulated in the public domain. It is difficult to see how such records could be considered sensitive or classified information, particularly given the full access granted at national level, which technically should have included report backs from each provincial mental health summit. And yet, in some departments there seemed to be a perception that the public is not to be trusted, and that government information – or perhaps government processes – might be scrutinised and potentially criticised, demonstrating that transparency is being confounded with accountability. This confirms other reports that “public officials by their very nature are loathe to disclose information, so if that person is uncertain whether he may disclose the information, he would look for loopholes not to disclose the information” (Geldenhuis & Crooks 2003 in McKinley 2003:21).

This is in stark contrast to the willingness of the National Department of Health and some provincial departments to provide full disclosure of information. The hesitation on the part of other provincial departments, or unwillingness by non-response if these are read as obfuscation, is therefore puzzling at best, and concerning at worst. It raises questions regarding whether the holder of information about an ostensibly public and transparent decision making process should be able to withhold such information and, by extension, to withhold such information on the basis of what it will be used for. PAIA is very clear that the right of access to information should not be influenced by any reasons the requester gives for requesting access or by the beliefs of the government official dealing with the request regarding what the requester's reasons are (McKinley 2003). This raises further questions regarding whether transparency should be dependent on what the information is going to be used for, and, *ipso facto*, on the requester being required to justify the need to have access

to public information. It also begs the question of what kind of use would be considered a justifiable cause for withholding information. In our view, it is controversial to suggest that the condition that it is a record from a public consultation as grounds for refusal can be applied in this case, particularly in the context of the South Africa's commitment to public participation at all levels of government decision making.

In practice, then, transparency through access to information neither lives up to democratic ideals nor matches government rhetoric. As South Africa "moves towards a more conscious model of democratic information transparency...the roles played in the coming decade by public requesters and agency implementers will determine whether the PAIA becomes a paper tiger or a genuine mechanism for citizen engagement" (Wallace 2004:202). Inasmuch as public participation in policy making depends on citizens being informed about decisions taken within and about the policy process, the ideals of citizen engagement, in this case at least, have been inconsistently realised. If holding public forums to consult the public about government decisions is one way of operationalising transparency in policy making, then not being transparent about what happens at those public forums seems to contradict at least one objective of such engagement. If government is committed to engaging with its citizens in this way, it is at least necessary to create an enabling environment for the public to access relevant information about decisions that goes beyond legislative mechanisms. Without adequately involving the public in a democratic and transparent way in the formulation of policies, the implementation of such policies is likely to be compromised.

CONCLUSION

This article has considered how a lack of transparency through inadequate access to information can be at odds with the rationale for public participation. One follow through from policy consultation is that it should be part of the public record, and the public should have access to it. If not, it simply becomes a discussion behind closed doors: if you were not present, you remain unaware and uninformed unless and until the final outcome of that discussion – the policy itself – is released. Because the process is lost from public record, there is no trail between policy consultation and policy promulgation, and therefore no way to assess whether the consultation process and the decisions resulting from it were fair, or to what extent the consultations informed policy. In our view, this renders the consultation process incomplete. At the very least, guidelines need to be established regarding systemic procedures for taking and keeping records on public consultations, in addition to existing guidance on how to engage the public in those consultations. Transparency is a critical element here, and access to information is one step towards realising this pillar of democracy.

The issues considered in this article are part of a broader question about what public participation is and does in the context of democratic policy making. We acknowledge that public consultation is more than merely a rational process of information exchange or access, and that transparency is only one factor that might be used to evaluate the success or failure of such a process. Impact on policy is certainly another, as is the intrinsic value for those participating in such a process. Although the inconsistent nature of and access to records generated from the consultation process is certainly problematic, this by no means implies that the policy that came into effect following these consultations is in any way sub-optimal, nor



that the government departments responsible for implementing the policy are not committed to the task. Once again, transparency is separated here from accountability – the absence of one does not automatically negate the other. The lack of transparency in this instance does make it difficult, however, to assess the degree to which the policy consultations across the nine provinces were truly participatory or merely a form of rubber-stamping on a policy that had already been finalised. It seems reasonable to conclude, then, that for public participation to be a mechanism for government transparency, the public participation process should itself be transparent. As South Africa continues to face challenges in transforming into a healthy democracy, public participation processes have an important role to play in demonstrating government's commitment to building public trust, through engaging openly and transparently with its citizens regarding decisions that affect them.

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