



22 November 2013

STATEMENT BY THE CORRUPTION WATCH BOARD OF DIRECTORS

Office of the Public Protector must be respected

The Corruption Watch Board has noted the on-going tensions between the Public Protector and Cabinet ministers regarding her report on the upgrade of President Zuma's Nkandla residence.

The Public Protector's powers and functions are regulated by our Constitution. The office is subject only to the Constitution and the law. It must remain impartial and exercise its powers and perform its functions without fear, favour or prejudice. All organs of state (which include all government departments, whether national, provincial or local, and all people who are exercising public power in terms of the Constitution or any law including government ministers) are required by the Constitution to assist and protect the Public Protector in order to ensure her independence, impartiality, dignity and effectiveness.

The Board of Corruption Watch notes that the Minister of Public Works has publicly acknowledged that the upgrade of President Zuma's Nkandla residence was characterised by irregularities. In the light of this admission, the Board notes with concern the reliance on "state security" as a basis for the Cabinet Ministers' challenge to the release of the report by the Public Protector to interested and affected parties. The Board is deeply concerned that this approach avoids the key issues of possible wasteful expenditure and the flouting of procurement rules – neither of which fall within the ambit of national security.

Given that security considerations in the Nkandla upgrade are not concerned with the amount of money spent or the disregard of public procurement rules, the Corruption Watch Board views the Ministers' actions, including the assertion that they are the final decision-makers on all security-

related matters, as having the effect of shielding any unlawful activity that may have been uncovered by the Public Protector from public view.

If the result of the on-going tensions is that the Public Protector is impeded or hampered in her probe into Nkandla, this will severely undermine her ability to perform her functions without fear or favour and in turn has the potential to harm our democracy and undermine our Constitution.

The Corruption Watch Board calls for transparency and accountability to ensure that anyone who has acted unlawfully is held to account. In this regard, the Board calls for respect of the office of the Public Protector in carrying out its Constitutionally-mandated duties.

The Corruption Watch Board

For more information contact:

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