

Brickbats at Nkandla complex

Security upgrade is legal, and we cannot avoid it...

UPON my appointment as minister of public works, members of the media joked that I had been handed a "poisoned chalice". Many a true word is spoken in jest.

Indeed, I have spent the past year addressing various public forums, owning up to wrongdoing, corruption and maladministration within sections of the Department of Public Works. I will return to this point below. It has a direct bearing on the matter in hand: the security upgrade of the president's residence at Nkandla.

I will argue here that the security upgrade was lawful and necessary, but that questions remain about the high cost.

Stripped of all the political rhetoric, the security upgrade became necessary when it was clear that Jacob Zuma was to become the next president in 2009.

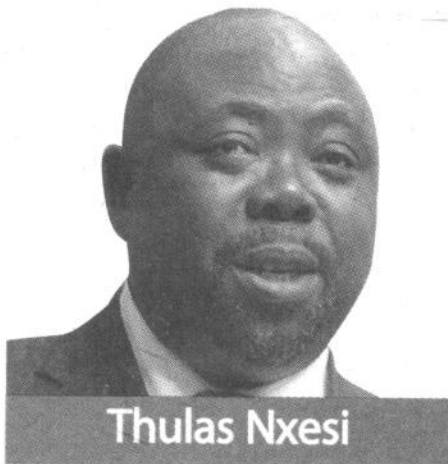
Zuma lived – and continues to live – in a remote area of rural KwaZulu-Natal with his extended family as part of a wider community. The normal services – transport, roads, power, water and sanitation – taken for granted by many urban dwellers, simply did not exist.

This rural idyll became a security nightmare for those charged with safeguarding the person of the president.

Add to this the violent history of this area of KwaZulu-Natal and the fact that the Zuma homestead had been previously attacked. Add to this also the fact that the president conducts government business from his private residence, receiving official delegations and holding meetings and consultations. A major security upgrade was inevitable and non-negotiable.

As an aside, the inference from the opposition that Zuma should confine himself to the official state residences – in Pretoria, Cape Town and Durban – is both unrealistic and demonstrates a deeply hostile attitude towards traditional rural family life – where around half the population in our country reside. The requirement to provide security for the president's residence is unavoidable, whether it is done now or when the president retires. Even the opposition does not question the obligation to provide security for retired presidents as in the case of FW de Klerk, Nelson Mandela and Thabo Mbeki.

The opposition and sections of the media have argued that the upgrade was illegal, quoting the Ministerial Handbook and the R100 000 ceiling on security upgrades for the private residences of certain officials. This did not apply in the case



Thulas Nxesi

of previous presidents. It does not apply in this case either.

The Ministerial Handbook requires the minister of public works to implement, in conjunction with the SAPS, the recommended security arrangement at privately owned residences of various public officials. The cabinet decision of August 20, 2003, now called the "Policy on Security Measures at Private Residences of the President, Deputy President, former Presidents and former Deputy Presidents", deals with the process according to which the SAPS and the department would investigate, fund and maintain security measures at the private residences of such officials. In terms of this policy, "the main consideration shall be to ascertain to what extent the safety of the president, deputy president, former president or deputy president or their immediate families, including their personal property, is compromised as a direct result of the public position held or previously held". Although the policy does not set a limit on the amount to spend on the security upgrade, this may not be construed as a justification for the cost in this case.

Therefore, the Nkandla security upgrade was both lawful and necessary.

The security cluster – the Department of Defence and Military Veterans, the SAPS and the Department of State Security – appointed an expert team to conduct a risk assessment. A detailed summary of their recommendations was made public last year. In addition to security measures, the recommendations included the need to provide basic services – power, water, access, health facilities – as well as accommodation for security personnel and fire-fighting facilities – to support the necessary security measures. It fell to the Department of Public Works to implement

the recommendations.

This brings me to the investigation I ordered into the implementation of the mandate by public works. My decision to investigate was based on the following principles that I shared with Parliament in October: first, I will not play politics with the security of the president. On matters of security I prefer to err on the side of caution. Second, I am mindful that where public funds are involved, there must be accountability and value for money.

This has been a difficult balance to maintain: guarding confidential information in relation to the president's security – a legal requirement of national key point legislation – while rightly opening up government expenditure to scrutiny. The opposition and sections of the media, in their refusal to accept the need for confidentiality on security matters and largely driven by a personal vendetta against the president, are not assisting us to find the right balance.

As an aside, the opposition argument that the president should have known the cost of the project is unreasonable. Whether or not the president received a briefing in 2010, the DA is grasping at straws. If I, as the minister, had to request an enquiry, it is clearly unreasonable to expect the president to be micro-managing the supply chain management process. Let us be clear: the security upgrade was at the behest of the security cluster and designed by them. Responsibility for implementation and managing the costs of the project lies with the department.

The major findings of the department investigation include the following: there is no evidence of public funds being used to build the president's residence, now surrounded by security infrastructure and support services. The total expenditure for the security upgrade carried out was R206 420 644. This figure includes the security upgrade (R71 million) and operational needs (R135m) to support the upgrade.

Additionally, the investigation found evidence of a number of irregularities in relation to the appointment of service providers and procurement of goods and services. In response to this finding – and given the possible existence of corruption – we have decided to refer the report to the Special Investigation Unit, SAPS, and the auditor-general for further investigation. I have also welcomed the public protector's investigation and promised the full cooperation of the department.

■ Nxesi is Minister of Public Works