

THE ARMS PROCUREMENT COMMISSION OF INQUIRY  
(THE STRATEGIC DEFENCE PROCUREMENT PACKAGES)

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SUBMISSION OF THE CHAIRMAN OF THE INTER-MINISTERIAL  
COMMITTEE - PRESIDENT TM MBEKI

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Introduction

1. As Deputy President of the Republic of South Africa in 1998 I was the member of Cabinet who was tasked with presiding at meetings of the Inter-ministerial Committee ("IMC"), a sub-committee of Cabinet that played a role in giving effect to the decisions of Cabinet regarding the strategic defence procurement packages ("SDPP").
2. When we were requested to take part in this Commission's work, each one of us as members of the IMC made a firm and unanimous commitment to do everything possible fully to cooperate with and assist the Commission in a transparent manner to discharge its mission as prescribed in its Terms of Reference.
3. Everything I have heard and read so far about the presentations made by, and interactions of the members of the IMC with the Commission

and other interested parties assures me that my IMC colleagues have honoured this commitment.

4. In this context, it is important to make the point that none of the members of the IMC acted in their personal capacities when executing the functions as members of the Executive. In appearing before this Commission, the members of the IMC have sought to rely on information that has been made available to us, and on our best collective effort to recollect matters traversed during our term of office.
5. All the minutes, notes of meetings, recordings, diary entries and other records relevant to the SDPP programme are in the custody of our government, as the legal successor of previous administrations. Accordingly, our government is better placed to talk to these issues, especially because some of the contracts are still being implemented. I am advised that indeed government officials presented detailed submissions before this Commission.
6. My colleagues, i.e. former Ministers A Erwin, M Lekota, T Manuel and former Deputy Minister R Kasrils have given this Commission their views of the material issues that arose with regard to their participation in discussions and Cabinet decisions on the SDPP. My role was to

preside over discussions that ultimately culminated in the approval by Cabinet of the proposed contracting arrangements.

7. I specifically endorse my former colleagues' evidence with respect to the context provided by public statements made by then President, the late President Mandela, the White Paper process, the Defence Review and the consultations that preceded its adoption in Cabinet.
8. I am advised that the Commission is cognisant of the extensive litigation relevant to the issues around the validity of the contracts and the affordability of the packages. For the record, those cases were brought against the entirety of government and the Treasury was requested to lead the defence of those cases on behalf of government. Accordingly all the matters traversed in that litigation are *res judicata*.
9. The record shows that in November 1998 Cabinet approved the preferred suppliers for each of the equipment types comprising the SDPP. Cabinet simultaneously requested that matters relating to affordability should be investigated.
10. When Cabinet was finally satisfied that it had attained an affordable contracting position that government could support, it took a decision

in December 1999 in which it authorised the signing of the contracts with the successful suppliers.

Conclusion

11. I have at all times held the firm conviction that the decisions of Cabinet were compliant with the Constitution and within the constitutional mandates conferred on Cabinet.
  
12. I remain available to assist this Commission in respect of any other matters with which I, as Deputy President and later President of the Republic of South Africa, was tasked in respect of the SDPP.

  
THABO MVUYELWA MBEKI

16/07/2014