

# Civil control of the military in Botswana

Tendekani E. Malebeswa

## Role of a defence force

In any modern society, an army is established primarily to protect and defend the state. This would include defending the territory along its borders and strategic locations inside the country. This brief can be broadened to include, for example, the protection of commercial or trade interests or citizens and property abroad. Section 5 of the Botswana Defence Force Act states that: 'The Defence Force shall be charged with the defence of Botswana and with such other duties as may from time to time be determined by the President'.

In terms of section 48 of the Constitution, the President is the Commander in Chief of the armed forces.<sup>1</sup> The BDF is primarily composed of a Regular Force and a Reserve Force, although the Reserve Force has never been mobilised. It is important to note that the Constitution bestows upon a civilian the title of commander-in-chief of the BDF. This is the first link between the army and the civil authorities in Botswana, and it is noteworthy that none of the three Presidents to fulfil this position to date, have had any military background on assuming office. The army itself was only set up in April 1977. The subordination of the army to the President therefore clearly signalled the need to maintain civil control over it. As an instrument of the state, it has been noted about the army that: 'the armed forces are instruments of the central government, equipped, disciplined and trained for the exercise of physical force in the interests of the State'.<sup>2</sup>

Clear as this assertion might be, it has often been debated whether the military sees itself as subordinate to the civil power, or whether it considers itself to be an alternative power. The military is an organisation in which discipline is revered, and this necessarily implies loyalty. If a tradition of submission to the civil power is thus not inculcated in the army, the sense of loyalty might be misapplied and, perhaps be unwittingly internalised within the army itself instead of being directed to the civil authorities. However, the military should be a supporting pillar to the civil authorities holding political power.

## The role of the president in civil-military relations

In Botswana the President determines the operational use of the defence force. However, throughout the world doubts have persisted as to whether such an arrangement is sufficient. It has been observed that:

"The military, with its special relationship to the President in his capacity as commander-in-chief, as well as its unique operational

requirements and highly specialised professional skills, not surprisingly remains highly sensitive to civilian encroachment on what are felt to be its prerogatives.”<sup>3</sup>

The paradox in the above passage therefore lies in the military espousing a special relationship with its commander in chief—a civilian—and yet resenting civilian encroachment. This is why the relationship between the army and the civil authorities will for a long time remain a work in progress. It would appear that in the eyes of the military the President is qualified by virtue of constitutional provisions, whereas all the other civilians would be usurpers of territory, possessing no recognisable qualification for involvement in military affairs.

But the real nub of the problem is whether there is proper oversight and accountability of the army to the nation through the established civil structures. As observed above, the military is just another arm of the government.<sup>4</sup> While this is not in dispute, the issue arises as to who really controls the military; especially given that it has firepower at its disposal, and is generally permitted to use force in the execution of its duties. On civil control, Chuter has said that:

“The process strives to ensure that the conduct and character of the Institution in question conform to the political features of the democracy within which it is located—an acknowledgement of the principle of civil supremacy, the institution of appropriate mechanisms of oversight and control, adherence to the principles and practices of accountability and transparency, and so on.”<sup>5</sup>

## **Ministerial functions and parliamentary oversight**

In Botswana the question of the military’s accountability has been raised in various avenues.<sup>6</sup> However, this reached a crescendo when the Vision 2016 document noted:

- further issue that needs to be resolved is whether or not the establishment of a Secretariat of Defence would improve the accountability of the BDF to the nation within the political process.<sup>7</sup>

This statement is an acknowledgement of a perceived lack of accountability and also indicates the ambivalence that Botswana has towards the BDF. Although they are proud of their army, there is concern that the level of secrecy that surrounds it is too high. As the Vision 2016 document was a culmination of a nationwide consultation by a Presidential Task Force, the above passage can be viewed as a reflection of a perceived weakness that exists between the army and the politicians in their operational structure. The idea of a Secretariat

as broached by the Vision 2016 document appears to foresee a Secretariat as a civilian link between the BDF and the Minister. In Botswana there is no independent or separate Ministry of Defence. As such, defence affairs are handled by a Minister in the State President's Office who, also has responsibility for the public service and the Botswana Police Service. Thus, the security agencies are under the President, with day to day responsibility devolved to the Minister.

Apart from the Commander, the Minister is in liaison with the army through the Permanent Secretary to the President and a Permanent Secretary in the Office of the President responsible for political affairs. Except for two former army commanders who have held the office of Minister, none of the other occupants of the offices in the President's Office dealing with the military has had any military background. This does not appear to be a cause of friction, but it is not clear how much influence the military would wield in such a policy shaping set up.

Although the President works with the Cabinet, it is also not apparent how much influence Cabinet has over the military, or whether matters military are deferred to the President as the commander in chief. Galbraith has argued that: 'control of the military power is a less easily defined and hence more difficult task'.<sup>8</sup>

Currently, if a defence policy exists, it is not public. The difficulty therefore lies in trying to see how control of the defence force is effected, particularly beyond the role of the President as commander in chief. The military is such a powerful institution that civil controls need to be clearly laid out to ensure that citizens are confident that control is effective. In Botswana it has been argued that Parliament has set up committees which have oversight on the army's expenditures and procurement processes.<sup>9</sup> These are the Public Accounts Committee, the Parliamentary Committee on Foreign Affairs, Trade and Security and the Parliamentary Committee on Finance and Estimates.

Parliamentary oversight is important since it is Parliament that set up the military through an Act of Parliament, and also approves its budgetary allocations. How much power should Parliament have over the military and how should this relate to the Executive power? This really is the crux of the matter. Since Parliament is somewhat detached from the operations of the army, it can be assumed to be in a position to ask questions with a non-jaundiced view. McIntosh has made the point this way:

"One of Parliament's primary functions is to oversee the raising of money for government and the subsequent use of that money. In defence, Parliament has been unable to satisfactorily fulfil the function because government has denied MPs access to information."<sup>10</sup>

It is a widely held view that the military can be accountable within the political process and subordinate itself to the civil power if both branches, Parliament

and the Executive,<sup>11</sup> know what the military is doing, and how it spends its appropriations. This necessarily entails an accounting for its procurement processes, financial management and information management.

The terms of reference of the Parliamentary Committee on Foreign Affairs, Trade and Security has not been widely publicised and most people do not know about its existence. This is demonstrated by a writer in a local newspaper who said:

“The idea that there is no oversight committee within our elective political body of Parliament which reviews the BDF staff level, its equipment, pay packages, efficiency and cost effectiveness is a cause for major concern that most folks have never really thought about.”<sup>12</sup>

The writer observed that this meant that the BDF was a self-regulating institution without any measure of oversight being exercised over it. The fact is that a committee does exist. This demonstrates clearly the lack of transparency that prevails about parliamentary structures and, indeed, is an indictment on their sufficiency and efficiency. In this regard, it has been reported that a four member delegation from the committee went to South Africa and Namibia in order to ‘interact with their South African and Namibian counterparts with a view to broadening their understanding and appreciation of the operations and functions of the committee’.<sup>13</sup>

It is to be hoped that such interaction will enhance the operations of the committee, and encourage more openness in the BDF. Although secrecy might be the mainstay of the military, quite often information which would not place it at a tactical disadvantage is still suppressed. An observation has been made that:

“conflicts are found to exist among certain of the ends (e.g., between the necessity that [America] have a capacity for speed and secrecy in matters of war and peace), on the one hand, and the necessity for consensus and democratic control, on the other.”<sup>14</sup>

It is not disputed that the military should maintain a certain level of secrecy. However, it is contended that it should be at a level that would sufficiently inform members of Parliament about the state of an army whose budget they approve. The main contributory factor to such reluctance stems from a lack of trust. Such lack of trust affects the allocation of control and oversight responsibilities since the army, liasing with its commander in chief on a daily basis and thus forging a special relationship with him, is likely to be more comfortable with him than with Parliament. Yet this should not be the case as members of Parliament swear to an oath of allegiance when they assume office.<sup>15</sup> If any breaches were to occur then the National Security Act (Cap.23:01) could be invoked to deal with these and any other leakages.

Parliament should be in a position to ask penetrating and critical questions

of the military -particularly through the forum provided by a parliamentary committee. It is only in this way that a balance can be achieved between the Executive and Parliament with regard to the welfare of the army. It has been suggested that 'it is when the democratic ideal is practised and a long-term perspective applied to defence policy making, that increased Ministerial control and Parliamentary oversight are shown to be compatible'.<sup>16</sup> Ministerial control and parliamentary oversight, together with the President's stewardship of the army are all measures aimed at asserting civil control over the military and hence upholding civilian supremacy and ensuring military subordination.

### **Civil-military partnership and compromise**

Generally, the military appears to have a guarded attitude towards civilians, particularly politicians. It holds the view that politicians do not understand technical issues,<sup>17</sup> that they judge issues simply with their eye on the electoral radar screen<sup>18</sup> and that they are prone to being meddlesome, argumentative<sup>19</sup> and susceptible to compromises for short-term gains. This contrasts sharply with the military's penchant for discipline, 'order, responsibility, and pursuit of the national interest'.<sup>20</sup> But the national interest is really pursued by both camps, albeit from different viewpoints and influenced by different sets of circumstances.

Civilians also view the military with a certain feeling of suspicion, particularly if it starts to behave as if it has a monopoly on the national interest. The military's view of the national interest revolves around having sufficient military capacity to defend the state and the financial resources necessary to sustain this capacity. For the politicians, the national interest entails selling the best ideas to the electorate and brokering deals with other politicians in order to move the affairs of the country forward.

The military needs to be willing to compromise in order to achieve its own objectives in a democratic setting. Because armed forces are simultaneously seen as a bulwark of freedom and [a] potential threat to it, as protector of national values and possible challenger to them, civil-military relations have been characterised by a series of precarious compromises, each with a limited lifespan.<sup>21</sup>

This makes it quite clear that the military is as capable of reaching compromise as civilians or politicians. More importantly, however, is that such compromise, precarious as it might be, is in recognition of the national interest. None of the parties can claim to have a better sense of the national interest. But it is clear from the above passage that the onus is on the civilians to do more, since the military, due to its unique circumstances, is at once both a protector and possible threat to essential freedoms and national values. It means that in exercising civil control politicians have to do so prudently in order to maintain a workable balance.

The military's own view is that it possesses expertise which civilians would not understand. This inevitably leads to strain as the parties then operate on a certain degree of suspicion. French has observed that:

“it was the professionals' claim to possess expertise which the politicians had no right to question which was the cause of so much of the tension in civil-military relations.”<sup>22</sup>

The irony is that the state equips and trains the army to protect the state. It becomes an issue of concern when the military claims to possess expertise that those democratically chosen to take charge of the affairs of the state cannot question. The problem with professional advice from the military is that it is difficult to assess this advice otherwise than in performance. A civilian leader can only accept or reject it intuitively and face the consequences. Such a scenario would strain the relationship between the military and civilians; and in some instances jeopardise it. Naturally, this is a carry-over from how the army perceives civilians and goes to the issue of trust between the two.

A civilian need not understand all military jargon, as long as he can trust his military advisers. This is inasmuch as a client need not understand the law to know his case will be well handled as long as he can trust his lawyer. If trust can be established between the civilians and the military, then civilian appreciation of military expertise need not pose a problem. Advice from the military should be rendered professionally, just like in any other area of governmental involvement. The problem for the military is that it has the lives of the civilian population and those of the men in uniform to worry about. Therefore, if civilians do not understand what the military is saying, they may make decisions on the basis of other interests rather than on the information provided. Strachan says:

“Typically, both groups portray politics as a dirty, murky business; civilians may direct the affairs of the army, but they do so incomprehendingly; they can too easily make matters of life the puppets of factional and party interest; parsimony tends to prevail over prudent investment.”<sup>23</sup>

## **Civil–military relations in international diplomacy**

In Botswana diplomatic power ultimately lies with the President.<sup>24</sup> In this regard, the President can use the military to further diplomatic endeavours by deploying the defence force outside Botswana.<sup>25</sup> Commenting on the interface between the military and diplomacy, Lord says:

“In calculating the fundamental strength of a nation in the face of strategic challenges, little attention is generally given to organisational factors. Yet history shows that these factors can have a major impact on the conduct of diplomacy and on military planning and operations.”<sup>26</sup>

This strengthens the case that military planning, including procurement and general expenditure, should involve civilians. If this were to be achieved, then civilians and military planners would know about the defence force's combat readiness, and civilians would be able to provide an independent assessment of the military's advice to the commander in chief.

The deployment of the military beyond the country's borders has economic, political, social, financial, legal and moral consequences. It is of paramount importance that the President, in making such a decision, should be assured of the support of the military as well as the electorate, or at least be in a position to convince the electorate of the wisdom of his choice. This he can only do if he is properly advised by both his civilian and military advisers. In the early 1990s, Botswana deployed soldiers in Somalia and Mozambique as part of the United Nations multinational peacekeeping forces. Both the deployments were hugely popular with Botswana, and generally Parliament did not voice any discordant views.

When the BDF was deployed in Lesotho in 1998 there was protest in Parliament with members complaining about not having been consulted. Botswana went into Lesotho with South Africa as part of the Southern African Development Community's (SADC) Combined Task Force. Troops were, therefore, deployed in similar fashion to the deployments in Somalia and Mozambique in the early 1990s. It is quite possible that Members of Parliament were trying to carve out a role for themselves in international diplomacy, as the Constitution is silent about the role of Parliament in this area. The President assuaged them by explaining to them that Botswana's participation was in response to a request by the government of the Kingdom of Lesotho pursuant to a 1994 Agreement and that, given the fast changing situation in that country at the time, deployment needed to be immediate. It remains to be seen whether future deployments would be with the blessing of Parliament or not. The deployment in Lesotho again had the support of Botswana; including the continued role of the BDF in training the Lesotho Defence Force.

In Botswana civil control is broadened by the fact that the President holds the power of promotion in the military.<sup>27</sup> This ensures that those deemed to possess a professional bent lead the army. Johnson II<sup>28</sup> has argued that the promotion and commissioning of officers by a President ensures that there is loyalty from the armed forces, and that the military is subordinated.

## **The Defence Council**

Section eight<sup>29</sup> of the Botswana Defence Force Act creates a Defence Council 'responsible for the control, direction and general superintendence of the Defence Force.' The Commander is an ex-officio member of the Council. It is not clear how the powers of the Council add anything to the command of the

defence force, especially since the qualifications for membership of the Council have not been spelt out. How the powers of the commander-in-chief, the Commander and the Council would intersect in practical application is not apparent. It is not apparent if the Council contributes in any meaningful way to civil control of the military.

However, if the composition of the Council were to weigh heavily in favour of civilians, and were its functional basis clearer, then it could be argued that it is a factor in maintaining civil control of the army, particularly as this is the body charged primarily with control of the military. As it is, it would be difficult to make an assessment of the impact that the Council has on the army. Dale has made this observation about the Council:

“The size and composition of the Council are left fairly ambiguous except that the President appoints the members of this Council, an ex officio member of which is the Commander of the BDF. This Council appears to be more of a housekeeping body.”<sup>30</sup>

Currently the Commander, the Minister of Foreign Affairs, Minister of Finance and Development Planning, Minister of Agriculture, a Specially Elected Member of Parliament, the Permanent Secretary to the President and the Attorney General make up the Defence Council.<sup>31</sup> The current Minister of Foreign Affairs was the first Commander of the BDF. The Botswana Defence Force Act does not statutorily provide for who the members of the Council should be or for how long its members should serve.

## **The Auditor-General**

Oversight and control, especially regarding expenditure, has been extended through the office of the Auditor-General.<sup>32</sup> This office, coupled with the Public Accounts Committee of Parliament, is tasked with ensuring that military expenditure is controlled, and accounted for. It is not clear if these institutions would have a clear appreciation of the technical details involved in military expenditure or full access to all the information relating to military procurement. As suggested previously, such information should be available to parliamentary committees in order that oversight responsibilities can be properly exercised.

## **The Judiciary**

The judiciary has tended to prefer non-involvement in military matters. As shown above, the military draws its strength from secrecy. On the other hand, the civil courts are by their very nature open institutions. It is in this regard that it would not be desirable for the civil courts to be heavily involved in mil-

itary matters as, in some respects, information that is painstakingly gathered through intelligence sources would be placed in the public domain. The courts themselves are quite alive to this fact. In *Council of Civil Service Unions v Minister for the Civil Service*, Lord Fraser of Tullybelton said:

“That is undoubtedly the position as laid down in the authorities to which I have briefly referred and it is plainly reasonable in relation to many of the most important prerogative powers which are concerned with control of the armed forces and with foreign policy and with other matters which are unsuitable for discussion or review in the law courts.”<sup>33</sup>

It is worth noting that the above passage mentions that the prerogative powers concerning the control of the military and foreign policy are very important, and that the courts would find it unsuitable to discuss or review them. The passage clearly illustrates the judiciary’s reluctance to involve itself in issues concerning the military, thus deferring to military law, and the Executive and Parliament to exercise control and oversight. The Botswana Defence Force Act provides for the establishment of courts-martial to deal with any ‘offence which under this Act is triable by courts-martial and to award for any such offence any punishment authorized by this Act for that offence.’<sup>34</sup>

However, in order to ensure finality in the legal process, sections 129 and 130 of the Act provide for appeals to be lodged with the High Court and Court of Appeal respectively. Additionally, section 114 (1) of the Act provides: ‘Except as provided in section 132, nothing in this Act shall restrict the offences for which persons may be tried by any civil court or the jurisdiction of any civil court to try a person subject to this Act for any offence’. It therefore means that the BDF Act does not limit the jurisdiction of the civil courts. Contrarily, it is the civil courts which caution themselves against involvement in matters which they feel can best be dealt with under military law.

## **International law and instruments of control**

Other bodies, although not domestic, also exercise control over the military. It is essential that parameters for operation are defined in situations such as when the BDF was deployed in Somalia and Mozambique, and recently in Lesotho. This is imperative since the Southern African Development Community (SADC), of which Botswana is a founding member, has adopted its Protocol on Defence, Politics and Security Co-operation, as well as putting finishing touches to a SADC Mutual Defence Pact. It therefore becomes imperative that both the civil authorities and the military clearly understand the limits of their powers within the international legal regime, and the likely consequences of their actions. De Smith and Brazier have contended that the army

can use 'physical force', while others have seen the management of violence as one of its core functions. While this is not in dispute, the use of force has in reality been circumscribed. Article 2 (4) of the United Nations Charter states that: 'All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any manner inconsistent with the Purposes of the United Nations [...]'. However, Article 51 of the Charter preserves 'the inherent right of individual or collective to self-defence if an armed attack occurs against a Member of the United Nations[...]'.

These two Articles essentially control the military, since the use of force is proscribed, except in a manner consistent with the purposes of the United Nations. The contours of when it is permissible are thus provided by Article 51, and generally under Chapter VII of the Charter. Since it is the head of State who has to determine the use of force under Article 51 of the Charter, it is contended that in itself that is a controlling factor on the military. The President is the one who has to stand up and face the political and diplomatic fallout ensuing from such a decision, and therefore it can only be arrived at judiciously.

There are close to thirty 'laws of war' in the form of international instruments. The latest is the Rome Statute of 17 July 1998, which established the International Criminal Court. Botswana ratified the Statute in September 2000, although it does not become part of Botswana law until legislation incorporating it into the country's statute book has been passed by Parliament. The mid 1990s saw the establishment of the Ad Hoc Tribunal for the former Yugoslavia<sup>35</sup> and the Ad Hoc Tribunal for Rwanda.<sup>36</sup> The precursors to these were the International Military Tribunals (Nuremberg and Tokyo). All these are an indication of the desire of the civilian authorities, on the international plane, to check any actions of impunity by both politicians and the military. If the military operates outside the direction of its commander in chief and other civil authorities, then it is opening itself up for prosecution. It has been observed that:

"where the laws of war are applicable in a particular armed conflict, they are binding not only upon States as such but also upon individuals, and in particular, the individual members of armed forces. The notion that individuals bear direct responsibility for violations of the laws of war is one which arose with the development of the law." <sup>37</sup>

Such laws make sure that the military generally, and its members in particular, are responsible and accountable for their actions. So too would be their heads of State. It is therefore apparent that the military is expected to subordinate itself to the civil authorities by both domestic and international custom. The military might not necessarily possess the political and diplomatic skills required for conflict situations, in which case it would have to defer to the civil authorities and remove itself.

It is therefore in the interests of commanders in chief to ensure that their armed forces act within the law, and that the military itself in turn observes the supremacy of the civil power in order to stay away from the long arm of the law.

## Conclusion

The Executive and Parliament in Botswana need to work together on defence related issues, so that they can complement each other. The role of Parliament is critical for the simple reason that its members are elected by ordinary citizens and, therefore, until they are recalled at the next election it has to be assumed that they fully represent their constituents, and if they are fully consulted collectively or as a committee then the nation is seen to have been consulted. Such a situation would greatly assist the defence force in co-operating and collaborating with parliamentarians or any parliamentary committee set up for this purpose, and avoid any notion of ambivalence. Since such members would receive the information on the basis of trust, then there would have to be corresponding legislation to deal with situations where members betray such trust, if it is felt that the National Security Act is inadequate for this purpose.

In this respect, Parliament and the military should see themselves as partners in defence or, as it were, 'brothers in arms'. This is because Parliament approves appropriations for the military and it is up to the military to maintain adequate levels of defence. In order to maintain this equilibrium, it is Parliament that has to be convinced in the last instance that the appropriations are justified, as by then both the President and Cabinet have been convinced.

It is critical for Parliament to play this pivotal role in outstanding fashion. Nevertheless, it is only possible if parliamentary committees know their role and execute it well. Education of both Members of Parliament and the defence force about the desirability of a frank exchange of information as necessary ingredients in this partnership is a good starting point. It is only then that the parliamentary committee, as well as the Public Accounts Committee, can demand greater accountability from the defence force thus exercising more control over it.

Currently there is no written, public defence policy. There is therefore a need to consider putting in place an overarching defence policy. This would delineate roles in which civilians would be involved, as well as draw a clear link with Parliament and its committees. Although the Vision 2016 document calls for the establishment of a Secretariat of Defence, it is not clear what this is supposed to be in practice. Be that as it may, it would appear there is need for a clearer political link with the defence force through either the appointment of a minister dedicated to the defence force, or through the creation of a separate ministry of defence.

Presently the thinking in Botswana is that there should not be too many ministries so the earlier option is more feasible. This would see the involvement of more civilians in BDF procurement and planning generally. Such involvement would ensure that civilians are able to dialogue seriously with their military counterparts at the inception stages of ideas and projects, rather than when the BDF chiefs have already adopted a hard position on the issues. It would also be of benefit to the defence force to have someone else with an 'objective' view intervene to provide a different perspective and validate proposals, since the BDF alone might be more persuaded by military thinking than should otherwise be the case. Each side would therefore argue and lose its case on the merits, rather than be hampered by insufficient information or a lack of it.

The role of the Defence Council is unclear. Its terms of reference need to be brought into sharper focus. This would assist in determining its usefulness, and if useful, provide helpful indicators on how it can be strengthened. It can be strengthened by involving former army officers and other people with special skills, given that such people are now available.

The issue of control of the military is not confined to the limits of the domestic arena. International law is continuously developing instruments to check impunity globally. This therefore supports structures aimed at checking any weaknesses that might be present in a domestic situation.

## Endnotes

Legal Officer, Attorney General's Chambers, Gaborone, Botswana. The views expressed here are personal and do not represent or reflect those of the Attorney General's Chambers or the Government of Botswana

1. "(1) The supreme command of the armed forces of the Republic shall vest in the President and he shall hold the office of Commander in Chief.
  - (2) The powers conferred on the President by subsection (1) of this section shall include –
    - a) the power to determine the operational use of the armed forces;
    - b) the power to appoint members of the armed forces, to make appointments on promotion to any office in the armed forces and to dismiss any member of the armed forces.
  - (3) The President may, by directions in writing and subject to such conditions as he may think fit, delegate to any member of the armed forces any of the powers mentioned in subsection (2) of this section.
  - (4) Parliament may regulate the exercise of the powers conferred by or under this section."
2. S de Smith & R Brazier, *Constitutional and Administrative Law, Seventh Edition*, Penguin Books, London, 1994, p 226.
3. C Lord, *The Presidency and the Management of National Security*, The Free Press, New York, 1988, p 5.

4. S de Smith & R Brazier, *loc cit*.
5. D Chuter, *Defence Transformation: A Short Guide to the Issues*, Institute of Security Studies, ISS Monograph No 49, Pretoria, August 2000, p 1.
6. Log Raditlhokwa wrote in the *Botswana Gazette* of July 28, 1993: "State institutions are weak to limit the growing influence of the army. In fact many Batswana have not yet defined its 'growth agenda' as a problem. As well, many people would not raise critical comments about its seemingly 'special status'. They fear they may be labelled 'nosey and unpatriotic'. If there are any ministers who are uncomfortable about the BDF's 'selfishness' they are unlikely to speak out because of fear of being accused of violating Cabinet solidarity. The 'military phobia' that obtains in Botswana is a direct function of a widespread tradition of secrecy. But in a society of free human beings all institutions and their leaders are constantly scrutinised to make them more accountable."
7. Presidential Task Group for a Long Term Vision for Botswana, *Long Term Vision for Botswana: Towards Prosperity for All*, Gaborone, September 1997, p 56. The Task Group was appointed by the President to undertake a nationwide consultation for Batswana to voice their hopes and aspirations up to the year 2016.
8. J K Galbraith, *How to Control the Military*, NCLC Publishing Society, London, p 22.
9. This was disclosed by a Parliamentary official, Mr Thebenala Thebenala, when the author spoke to him on January 16, 2001.
10. M McIntosh, *Managing Britain's Defence*, MacMillan, London, 1990, p xii.
11. Arguing this point, Galbraith has said that "within the ambit of the state the citizen expresses his will through the men, the president and members of the Congress, whom he elects." J K Galbraith, *op cit*, p 10. McIntosh has made a similar point: 'As Parliament's primary role is in enabling government to raise money through taxes, the inability to examine the expenditure of that money means that Parliament's first task is being neglected.' M McIntosh, *op cit*, p 213.
12. Wayne Edge writing in his column 'On the Edge' in the *Botswana Sunday Tribune*, Issue No 10 of June 10, 2001, p 11.
13. Press release quoted in *Botswana Daily News*, No 111 of June 14, 2001, p 2.
14. W T Reveley III, *War Powers of the President and Congress: Who Holds the Arrows and the Olive Branch?*, University Press of Virginia, Charlottesville, 1981, p 5.
15. Section 71 of the Constitution.
16. M McIntosh, *op cit*, p xiii.
17. H Strachan, *The Politics of the British Army*, Clarendon Press, Oxford, 1997, p 120.
18. D V Johnson II & S Metz, *American Civil - Military Relations: New Issues, Enduring Problems*, Strategic Studies Institute Monograph, U S Army War College, 24 April 1995, p 5.
19. D French, in P Smith (ed), *Government and the Armed Forces in Britain 1856-1990*, The Hambledon Press, London, 1996, p 90.

20. C E Welch Jr, Emerging Patterns of Civil – Military Relations in Africa: Radical Coups d' Etat and Political Stability, in B E Arlinghaus (ed), *African Security Issues: Sovereignty, Stability and Solidarity*, Westview Press, Chicago, 1984, p 127.
21. D V Johnson II & S Metz, *op cit*, p 1.
22. D French, *op cit*, p 90.
23. H Strachan, *op cit*, p 5.
24. Section 47 of the Constitution.
25. Section 5 of the Botswana Defence Force Act and section 48 of the Constitution.
26. C Lord, *op cit*, p 1.
27. In terms of section 13 of the Botswana Defence Force Act the power to appoint officers of the rank of Major and below has been delegated to the Commander.
28. D V Johnson II & S Metz, *op cit*, p 2.
29. “(1) There shall be a Defence Council which shall, subject to the provisions of this Act and to the general or special directions of the President, be responsible for the control, direction and general superintendence of the Defence Force.  
 (2) The responsibility of the Defence Council shall not extend to the operational use of the Defence Force which shall remain vested in the President who may delegate such responsibility as he may think fit to the Commander.  
 (3) The Defence Council shall consist of such persons as the President shall, from time to time, determine, together with the Commander, who shall be an ex-officio member.”
30. R Dale, The Creation and Use of the Botswana Defence Force, *The Round Table*, no 290, 1984, p 220.
31. *Botswana Gazette*, Wednesday 6 June 2001, p 4.
32. Section 124 of the Constitution.
33. [1985] Home of Lords, AC 374 (H.L.) 398
34. Botswana Defence Force Act, section 79
35. Established by U. N. Security Council Resolution 827 (1993).
36. Established by U. N. Security Council Resolution 995 (1994).
37. A Roberts & R Guelff (eds), *Documents on the Laws of War*, Clarendon Press, Second Edition, Oxford, 1989, p 11.