

## OFFICIAL SECRECY AND THE MANAGEMENT OF SECURITY RECORDS IN THE GLOBAL AGE OF TERRORISM AND INFORMATION

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### Abstract

*The information society ushered in a new era of information for the rural communities of Africa, including some disclosure of security records. However, the proliferations of terrorist attacks ever since the 2001 US, Twin Tower bombings have increasingly placed access to records under the radar screen. This paper places the cardinal archival tenant of "free access to information" under cross-examination and argues that as the security forces race against time to contain the bad boys there is need to revisit the antagonistic concepts of access and secrecy. In Africa, where the Anti-George Bush sentiments are high, such a suggestion runs the risk of out-right rejection. The correlation between access to information and a rise in terrorism should propel a paradigm shift in the way archivists interact with access and secrecy.*

**Keywords:** Security Records, Disclosure, Secrecy, Security Information

### Introduction

Botswana is uniquely placed to contribute something to the debate on the management of records in the information age. The information society is closely tied to the ability of free people to access information that can audit the actions of their government. This free easy access is increasingly being threatened by the broad scale terrorist attacks in New York, and then in London recently. People are dying everyday in the Middle East through terrorist attacks. Close home, 80 people were killed in Egypt in July 2005. There is a new madness that is threatening the peaceful coexistence of humankind.

The total disregard for human life once again brings to the fore the competing claims of free access to government-held information and official secrecy. Should government subject security records to checks and balances of society or should it adopt a more secretive approach in the light of new terrorist attacks? This author argues that if only on a limited scale, emerging democracies of Africa people might have to forgo their right to access to security records in exchange for their collective survival. If terrorists use secrecy and surprise as their chief weapons, security establishments are forced to employ the same tactics to counter them. To do this will deny citizens records that they would otherwise hope to enjoy if the security environment was different. In an age when the pressure to release government information has never been more compelling and the threat of terrorism this high, all precautions to minimize the loss of life

should be taken into consideration when giving access to government-held information.

### **Management of military records in Botswana**

The management of military records in Botswana has been governed mostly by complimentary legislations in the form of the national constitution, the Civil Service Act, the Botswana Defense Force Act, and the National Security Act. Chapter 2 of the national Constitution guarantees free access to information only if it does not compromise the interest of defense and national security (Botswana Government 1966). Section 57 of the Botswana Defense Force Act prevents officers from releasing orally or in writing, by signal or whatever means, directly or indirectly any information that would aid enemy forces (Botswana Government. 1966). Besides the Defense Act military officers are also bound by the Public Service Act which forbids them from communicating directly or indirectly to the media, the contents of any records that came to his attention in the course of his/her duties (Botswana Government 1960).

Taken together the above legislations clearly impose restrictions on records relating to the defense or security records in general. Of all the laws relating to official secrecy in Botswana, the National Security Act has received the strongest criticism from journalists and human rights organizations who believe that its tone runs against the country's spirit of democracy and free speech. The Act criminalizes with a heavy fine or a prison sentence of up to 30 years, any person who communicates any information relating to the defense and security of Botswana. In this Act information relating to the security of Botswana includes but is not limited to, i) the movements or locations of the Defense Force or Police Force, and ii) the steps taken to protect any installations or prohibited places, and the acquisition or disposal of munitions of war (Botswana Government 1960). Advocates of open government have been quick to protest. Is official secrecy so pervasive in Botswana? What have been the arguments?

### **The argument for open government**

Advocates of open government argue that the records of the security agencies should be made available to the public. They say that at first sight and before any reasons could be advanced, secrecy looks undemocratic. However, under close scrutiny, secrecy limits the ability of citizens to make informed decisions about the actions of their government. Democratic citizenry cannot take its leadership to task unless they are equipped with enough knowledge to hold them accountable. (The cliché "knowledge is power, is very true in a democratic state."). From this, it would seem that, the idea of an informed citizenry- well articulated by Vision 2016 - and the enterprise of historical and scientific inquiry are fundamentally opposed to the practice of official secrecy. A curious scientific and artistic mind can only thrive in an environment that promotes the free movement of ideas across distance and through space and time. Secrecy inhibits and obfuscates this intellectual growths and dynamics.

Secondly, free people believe that secrets and lies are close neighbours. Thomas Ellington says that those who are privy to the secret manipulate those who are not through “selective disclosure, misdirection and outright lying” (Ellington 2004:106). Lying creates fertile ground for paranoia and mistrust between citizens and state (Ellington 2004:106). Ellington (2004:106) further says that “in fact any state that keeps secrets as a matter of course will foster suspicion among its citizens about its true actions and motives.”

Thirdly, democratic theorists believe that secrets can be skilfully used to hide potentially embarrassing information. Coke believes that all too often information is concealed less for national security concerns than for purposes of domestic political advantage (Ellington 2004:104).

Fourthly, a state run on the ticket of secrecy undercuts public policy debate. By empowering the privileged group that is allowed to know and disempowering the majority of citizens who are not allowed to know, secrecy limits the capacity of citizens to critique and add value to government policies. The net effect of all these problems is a government that is less and less accountable to its citizenry and a citizenry that is more and more ignorant.

### **Arguments for secrecy**

Do the above arguments make sense in an age of terrorism? Can the security establishment win the war on terror when the public accesses their records at free will? Or put in another way, is official secrecy a positive development in the information age when open access is the buzz word? Proponents of open access might be offended by the fact that just as it is unreasonable to ignore the benefits of openness, dismissing official secrecy in the world we live in today can have catastrophic consequences. Ellington reminds us that as a tool of statecraft, official secrecy has a great deal of utility. Indeed, at times, it can be indispensable for concerns up to and including the survival of the state. It follows therefore, that the simple answer of eliminating official secrecy altogether is just not tenable (Ellington 2004:197).

Officials who argue for secrecy are not always motivated by dark and ill-intended motives, or by personal interest, or a desire to hide their corruption - as the media would have us believe. On the contrary, some of them are driven by a genuine impulse for national survival. Official secrecy is a necessary evil in the global age of terrorism. In this age democracies are instinctively forced to be more and more economical with their security information because the advent of the Internet, with its limitless information capacities, is also actually helping the terrorists to be deadlier than ever before in human history.

First and foremost, free people can enjoy their rights and liberties guaranteed in a democracy only if they are secure. Democracy surely requires some minimum

level of security to function probably. In an age of global terror this security can only come if the armed forces are allowed to operate in secret. In fact, under uncertain conditions democracy needs secrecy the most. However, under normal conditions secrecy and democracy have always been uneasy bedfellows. It is ironic to think that democracy's best-kept secret is the ballot. Under this system free people are given the privacy to elect leaders of their choice. Evidence available suggests that in times of crisis official secrecy is a priority in all democracies. For example, Botswana's National Security Act was a reaction to the constant border raids of Pik Botha. In the US the Patriot Act came after the September 11 terrorist attacks and one can state with confidence that both Britain and Egypt will adopt a secretive posture to investigate the bombings.

At the individual and national level secrecy has always been a part of our lives. It is ironic that while humans need secrecy at the individual level, they detest it at the national level. We all need secrecy to protect our individual private space and to keep our personal issues out of public purview. Remember that beautiful princess, Diana, and her cries for private space. Leave my kids alone, she would say. Diana's million protests were not hers alone but a human condition for secrecy. We all want to be left alone.

At the national level the unique character of the state necessitates the keeping of security secrets. Security forces cannot pursue terrorists and other dangerous criminals unless they keep their tactics hidden from the public. Releasing such records would take away the element which is very well preserved by secrecy. Besides their tactics of operation intelligence agencies need to protect their sources. Informants are not going to be willing to share their information if they know that their names will be revealed to the public. The best intelligence is possible only and only if informants are relieved from a psychological apprehension of discovery. It is common knowledge that the protection of sources is critical to the practice of journalists and that the confidentiality of information is cardinal to a physician/patient relationship making patients' records a secret between the patient and their doctors. Lawyers, too, are allowed to consult their clients in private irrespective of the gravity of their crimes. Similarly, security forces require secrecy, deceit, manipulation and outright lies to gain a tactical advantage over criminals. This is warfare. This is the nature of the field play. This is what determines losers from winners and secrecy is the name of the game.

### **How to hold security forces accountable in Botswana**

Given the secretive nature of security information how can security establishments be held accountable in Botswana and which security records should be released to the public and by whom and how? To hold security forces accountable requires a review of the existing internal and external mechanisms of accountability in the Botswana Defense Force. Internally, the first line of requests should be directed to the BDF Public Relations which together with the

Military Archivists will determine whether or not your request will be met. If matters require higher authorities, the BDF Commander will be notified. The Defense Council is the next body, followed by the President who is Commander in Chief of the Armed Forces. The Defense Council will determine which security records could be released for public consumption. The safest way to do this is to release to the military archives for research those records of former retired officers already in high office that could promote the public image of the force. These former officers include Lt General Merafhe, Lt General Ian Khama, Major General Motang, Major General Pheto, Brigadier Seretse, Captain Mokaila and many others in the councils, businesses and NGO's who made Botswana shine. Their positive contributions to military history and national development should not miss the curious eye of the academia, and the probing minds of historians. Former officers in Botswana, not through the barrel of the gun but through free and fair elections, have made a profound impact on national history.

Freedom of Information legislation is also long overdue. Our next-door neighbour, South Africa, has an access to information law. Officials in Botswana should not be paranoid over this law because even with it nobody will compel security forces to release records that they consider sensitive. In fact, all 50 countries that have this law protect security information. Beyond the need for records this legislation promotes a dialogue between security forces, the courts and the broader populations. In a healthy democracy we all need to talk in order to understand where each is coming from even if we end up disagreeing. This dialogue promotes institutional accountability and marks the difference between dictatorships and the freedom of people.

### **Conclusion**

The information society produced great excitement for Africa as an era of open governments. However, access to security information will be highly constrained by the recent wave of terrorist attacks. More and more secretive methods will be required if the intelligence services are to win against the forces of global terror and transnational crimes. Democracies of the world will have to live with the fact that as the security forces race against time to confront the bad boys, less and less of their records will be made available to the citizens. It can therefore be concluded that even if access to intelligence records has to be restricted, the public should be given a rough indication of when such records would be opened. Even if it is within the next generation or when the situation returns to normalcy.

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