

Attorney General's Chambers

Areas of Responsibility

The role of the Attorney General is defined in section 51 of the Constitution of Botswana, as the principal legal adviser to the Government. The Attorney General is also an ex-officio Member of Cabinet, and serves on various policy level committees.

- Public Prosecutions
- Legislative Drafting
- Civil Litigation
- International and Commercial agreements

Departments/Sections of the Ministry

- Directorate of Public Prosecutions Division
- Civil Litigation Division
- Legislative Drafting Division
- International and Commercial Division
- Corporate Services Division

Departments/Sections and Key Functions

Directorate of Public Prosecutions Division: (DPP)

- The Directorate of Public Prosecutions is headed by the Director of Public Prosecutions appointed in terms of Section 51A of the Constitution. Our primary mandate is the prosecution of criminal cases before all courts of the land, criminal applications and appeals arising from criminal litigation.
- The Directorate operates from the main office in Gaborone and also has satellite offices in Francistown, Maun, Palapye, Lobatse and Selibe Phikwe.
- Primary Statutes– The primary penal statutes used by the Directorate in criminal prosecution are the Penal Code, Criminal Procedure and Evidence Act which gives guidance on general matters of procedure in criminal litigation. However, the prosecutorial mandate extends broadly to all such other legislation except where statute provides for trial by court martial. In executing his/her mandate, the Director is constitutionally obligated to consult with the Attorney General on matters considered by the latter to be of national importance.

Civil Litigation Division: (CLD)

- Defends all civil litigations against Government, institutes proceedings against defaulters liable to Government in damages be they in contract or delict. The division shares with the other divisions the responsibility of providing legal opinions to Government Ministries and Departments on administrative and constitutional matters as well as

on the full range of subjects covered by the respective departments.

- The division also undertakes cases on behalf of Town Councils, District Councils and the Land Boards where wider issues of policy are involved.
- The legal representation described above is provided in the Magistrates Courts, the High Court, Court of Appeal, the Industrial Court and various arbitral and disciplinary courts.

Legislative Drafting Division: (LDD)

- The main function of the Division is preparation and drafting of principal and subsidiary legislation including Government notices. Other functions include editing of the legislative supplements of the Government Gazette; revision of the laws and consolidation of the Laws of Botswana in accordance with the Revision of Act (Cap 01:03).
- The Division also prepares the annual bound editions of the Botswana Statute Laws for publication by the Department of Government Printing and Publishing Services.
- In addition, the Division also provides legal advice that relates to statutory interpretation.

International and Commercial Division (ICD)

The Mandate of the ICD is to provide legal services relating to the negotiation and drafting of international and commercial agreements on behalf of the Government of the Republic of Botswana, as well as providing legal advice to the Government on various matters relating to these issues.

The Functions of ICD are as follows:

International Agreements with regard to international agreements, the Division provides legal advice to the Government in the negotiation and drafting of multilateral and bilateral agreements under the auspices of:

The United Nations (UN); African Union (AU); World Trade Organization (WTO); Southern African Development Community (SADC); Southern African Customs Union (SACU); African Caribbean and Pacific/European Union (ACP/EU) are those involving individual States, etc. Other international agreements include Technical Cooperation Agreements on various issues, including inter alia defense, security, water, science and Technology and the environment. The Division also advises on the ratification and implementation of treaties and international agreements.

Commercial Agreements

- The division advises on, negotiates and drafts for and on behalf of the Government, on Commercial Agreements relating to:
 - The procurement of goods, works and service;
 - Performance bonds, guarantees and indemnities;
 - Financial agreements (loans) including subsidiary loan agreements;
 - The insurance of bonds, stock and other securities;

- Intellectual property rights;
- Shareholdings and partnerships;
- Competition law issues;
- Privatization.