

STATEMENT BY DITSHWANELO - THE BOTSWANA CENTRE FOR HUMAN RIGHTS

Read by Ms Maureen Tong

Item 6i: Situation of indigenous peoples in Africa
31st Session of the African Commission of Human and Peoples' Rights

Thank you Chairperson for giving me the floor

We would like to complement the African Commission on Human and Peoples' Rights for the efforts it has taken to open the debate on the difficult question of protection of human rights of vulnerable minorities and indigenous communities in Africa. The establishment of the Working Group on Indigenous People and Communities in Africa is a very positive step indeed. We also acknowledge African governments that recognise in their Constitutions the existence of indigenous people and vulnerable minorities in their countries. They include, Algeria, Cameroon, Ethiopia, South Africa and Uganda. We congratulated the government of South Africa for bringing back home on Saturday, the 4th of May 2002, the remains of Saartjie Baartman, a Khoe woman who was taken to Europe in 1810. During her lifetime, Saartjie Baartman was exhibited there as a wild beast and after her death parts of her body were preserved and displayed in a museum ironically called the 'Museum of Mankind' in Paris until as recently as 1974.

Despite these good stories, the situation of vulnerable minorities and indigenous people remain critical in many parts of Africa. Some cases have already been brought to the attention of the African Commission during this session. We wish to give information about a recent case in Botswana.

The government of Botswana is known for its good record of democracy and respect for human rights. This is commendable. However, we would like to draw to the attention of the African Commission a case that is causing serious human rights concerns – both among human rights NGOs in Botswana and internationally. The case is about the termination of essential services like water, food and health to the people living in the

Central Kalahari Game Reserve (CKGR), the ancestral home to the San people (Basarwa) for more than 40 000 years. On 31 January 2002 the government of Botswana decided to terminate the provision of services to the reserve. This has had the effect of forcing the remaining inhabitants of the CKGR out of the reserve. The decision is in line with the resettlement process started since May 1997 to get the San people to leave the CKGR and settle at 2 resettlement areas of New Xadi and Kaudwane, ostensibly for the purpose of providing them with services in these areas. It is believed that a number of people relocated in 1997 have since returned to the CKGR following promises of compensation that have in many cases failed to materialise. Others have from the beginning refused to leave their ancestral land. There are therefore currently people still living inside the CKGR, despite several government efforts to get them to leave. The situation of these people is critical, following the decision of the Botswana government to terminate provision of water, food health services to them. They are forced to rely on limited natural water resources. Recent attempts by NGOs to provide water and food to the Basarwa people still inside the CKGR were hampered by the government.

The reasons presented by the government for relocating the Basarwa from the CKGR is in order to improve the provision of social services such as clinics, schools, etc, to them, outside of the game reserve. In other words, the aim is to provide development. The provision of infrastructure is seen as an indicator for development. While the provision of schools and clinics is necessary, it must lead to empowerment, participation and inclusivity. The integrationist model of development adopted by the government of Botswana does not recognise the cultural uniqueness of the San people. More importantly, by removing the San from their ancestral land without proper consultation, the government is disregarding their right of existence as a people. Relocation and resettlement of people is often accompanied by serious social disintegration as evidenced by loss of identity, poverty, dependency on government aid, and alcoholism.

A negotiating team was set up to address concerns on the situation of the San (Basarwa) as a result of the resettlement programme and to negotiate a land claim on their behalf as a constructive solution to the problem. The team comprises of representatives of the San people in the CKGR as well as various Botswana NGOs and DITSHWANELO - The Botswana Centre for Human Rights, as mandated representatives of the residents of the CKGR. A promising negotiation process was initiated in the year 2000 with the

Department of Wildlife and National Parks concerning possible co-management modalities in the game reserve. These were contained in the third draft Wildlife Management Plan which envisaged the San being engaged in management of natural resources for income-generating activities. Regrettably, this promising negotiation process was interrupted by the government's insistence on relocation and termination of services to the reserve. The hopes of the San residents of the CKGR to obtain a constructive co-management agreement like the one successfully implemented in South Africa in the Kalahari Gemsbok Park were lost as a result.

In February 2002, the residents of the CKGR launched an urgent application seeking an order from the High Court of Botswana declaring the termination of essential services is unlawful and unconstitutional and that the government should restore the said services. Further that those who were forced to leave CKGR as a result of the termination of services were unlawfully despoiled of the possession of the land which they occupied and should be immediately restored to their possession of the land. On Friday 19 April 2002, at the High Court in Lobatse, Judge Dibotelo dismissed the application of the residents of the CKGR on technical grounds.

We appeal to the African Commission to ensure the protection of the basic human rights of the San people from the Central Kalahari Game Reserve to land, culture and identity and to be part of determining their own future. We find it an important task of the African Commission to protect the basic rights of the many vulnerable minority or indigenous communities in Africa who are being forcibly displaced and deprived of their livelihood and cultural foundation. We further appeal to the African Commission to encourage the government of Botswana – in line with its culture of dialogue- to continue with constructive discussion on this matter.