

## BOTSWANA

The Botswana government does not recognize any specific ethnic groups as indigenous to the country, maintaining instead that all citizens of the country are indigenous. However, 3.3% of the population identifies as belonging to indigenous groups, including the San (known in Botswana as the Basarwa) who, in July 2015, numbered some 62,500. In the south of the country are the Balala, who number some 1,700 and the Nama, a Khoekhoe-speaking people who number 2,100.<sup>1</sup> The majority of the San, Nama and Balala reside in the Kalahari Desert region of Botswana. The San in Botswana were traditionally hunter-gatherers but today the vast majority consists of small-scale agro-pastoralists, cattle post workers, or people with mixed economies who reside both in rural and urban areas. They are sub-divided into a large number of named groups, most of whom speak their own mother tongue in addition to other languages. These groups include the Ju/'hoansi, Bugakhwe, Khwe-||Ani, Ts'ixa, †X'ao-||'aen, !Xóǀ, †Hoan, †Khomani, Naro, G/ui, G//ana, Tsasi, Deti, Shua, Tshwa, Danisi and /Xaise. The San, Balala, and Nama are among the most underprivileged people in Botswana, with a high percentage living below the poverty line.

Botswana is a signatory to the Conventions on the Elimination of all Forms of Discrimination against Women (CEDAW), on the Rights of the Child (CRC) and on the Elimination of all Forms of Racial Discrimination (CERD). It is also a signatory to the United Nations Declaration on the Rights of Indigenous Peoples but it has not signed the only international human rights convention that deals with indigenous peoples, the *Indigenous and Tribal Peoples Convention No. 169 of 1989* of the International Labour Organization (ILO).

There are no specific laws on indigenous peoples' rights in the country nor is the concept of indigenous peoples included in the Botswana Constitution.

## Political situation

The World Justice Project this year rated Botswana as the best country on the African continent in terms of the rule of law and governance.<sup>2</sup> Botswana's democratic system was also highly ranked in the Varieties of Democracy index.<sup>3</sup> Botswana has been rated a Middle Income Country and lowered poverty levels significantly in 2015, according to the World Bank.<sup>4</sup> Nevertheless, a quarter of the children in the country are poor, and the indigenous peoples of Botswana remain at the bottom of the socioeconomic scale.

Botswana's reputation as a beacon of good governance continued to suffer in 2015 because of its treatment of its indigenous minorities, particularly those in the Central Kalahari Game Reserve (CKGR), who were harassed, intimidated and denied access to water. There were signs, however, that the government's hard-line approach was beginning to change. In the first week of February, Botswana's President Lt. General Seretse Khama Ian Khama met with Roy Sesana of First People of the Kalahari in order to address issues surrounding the CKGR and the needs of its residents.<sup>5</sup>

After this meeting, President Khama decided to have several of his ministers meet with the residents of the Central Kalahari, and this occurred in August in Mothomelo, Metseamonong and Molapo. Present were the Ministers of Foreign Affairs, Health, Local Government and Rural Development, and Environment, Wildlife, and Tourism. Several dozen community members participated in each meeting. The officials promised that they would restore services in the Central Kalahari, including water sources, mobile health visits and support for the establishment of community-based tourism activities. If the government honours its promises, this will mean a major policy shift in the treatment of indigenous peoples in the country.<sup>6</sup>

## Court cases

The San and Bakgalagadi of the CKGR filed four legal cases against the Government of Botswana between 2002 and 2013. The High Court Judge dismissed the last of these in early 2015, which concerned the right of people other than the original applicants in the first CKGR case to enter the reserve.



Another important Botswana High Court case involved Ranyane, a village in southern Ghanzi District where the Naro San residents had resisted resettlement to a!Xóǀ settlement, Bere, and as a result had their water and other services stopped by the Ghanzi District Council. The case was dismissed in October, in a poorly argued judgment<sup>7</sup> which called Ranyane an “unrecognized settlement” in a Wildlife Management Area and said the services that had been provided there were “only temporary”. In fact, the borehole had existed on a trek route between Nojane and the main Ghanzi-Lobatse road for decades and the Ghanzi District Council had provided food, water and diesel for the borehole to Ranyane since the 1970s. The decision not to restore water was in violation of the Court of Appeal’s judgment in the Central Kalahari water case of 2011,<sup>8</sup> Botswana’s own

Water Policy,<sup>9</sup> and was also not in keeping with the United Nations position on the Human Right to Water (HRW). The relocation of the Ranyane people has begun.

## **Drought, climate change and the water crisis**

Botswana was officially declared drought stricken by President Khama in June 2015.<sup>10</sup> The drought has affected agricultural yields, livestock production and water availability. In some of the remote area settlements, such as Xere in Central District and Rooibrak in Ghanzi District, residents had to go as far as 15-20 kilometres to fetch water. Botswana's decision to privatize water, allowing private companies to maintain and repair rural water systems, exacerbated the crisis. Water prices were raised substantially by these companies, while the water supply in many rural communities decreased by half.

Climate change was an important focus of both the government and indigenous peoples in Botswana in 2015.<sup>11</sup> Half a dozen representatives of Botswana San organizations and over two dozen Botswana government officials attended the COP21 Climate Change Conference held in Paris in November. Some of Botswana's indigenous representatives worked with the International Indigenous Peoples' Forum on Climate Change (IIPFCC) to help develop an open letter to the ministers urging them to make specific reference to the rights of indigenous peoples in Article 2 of the Paris Agreement.<sup>12</sup> They were deeply concerned that the Paris Agreement had removed the reference to human rights in the main text of the agreement and placed it in the Preamble, where it remained.

## **Indigenous women**

In addition to facing the problems of poverty and drought that affected all indigenous people, indigenous women continued suffering high levels of discrimination, gender-based violence and rape.<sup>13</sup> Women have less access than men to allocations of arable land and business sites from land boards, and they experience problems in getting cases heard before the customary courts and magistrates' courts. Indigenous women have been arrested for possession of ostrich eggs and ostrich eggshell products because they lack licenses from the Department of Wildlife, as required by the Botswana Ostrich Management Plan Policy. Some

women have been able to obtain ostrich eggshells for craft production from non-government organizations such as Ghanzi Craft and Kuru, which have licenses.<sup>14</sup>

## **Impacts of wildlife-conservation policies**

The hunting ban imposed by President Khama in 2014 (see *The Indigenous World 2015*) has imposed enormous hardship on the San, Bakgalagadi and other communities.<sup>15</sup> Whereas, in the past, the community trusts received lease fees, meat, medicines, and other goods and services from safari companies with which they had joint venture agreements, they now receive few benefits, and poverty levels and hunger are on the increase. This situation was exacerbated by the fact that the government ceased compensating people in many rural areas for losses of livestock due to predation by wild animals.<sup>16</sup> In 2015, some community trusts with San majorities were taken over by private companies which kept the bulk of the funds generated by ecotourism to themselves.<sup>17</sup>

Botswana San have been active in raising their concerns about the deleterious effects of the hunting ban in international meetings. These issues were addressed at the 14<sup>th</sup> annual session of the United Nations Permanent Forum on Indigenous Issues (UNPFII), held in New York City from 20 April to 1 May 2015.

Residents of Botswana and neighbouring countries have been very much alarmed by the government's shoot-to-kill policy as an anti-poaching strategy, saying that innocent people were being killed on the vague suspicion of being poachers.<sup>18</sup> They have lobbied the President, Minister of Environment, Wildlife and Tourism, and Parliament to reverse it. Many believe that poaching can be more effectively deterred by involving community members in local conservation programs while permitting hunting for subsistence.

The President of Botswana has issued a call for greater attention to wildlife protection and conservation.<sup>19</sup> The people of rural Botswana, for their part, appreciate the government's position but want to see greater emphasis on programs that provide employment and income.<sup>20</sup> They also want to see a diversification of the Botswana economy away from diamonds and other minerals to a broader-based development effort, one that promotes agriculture, small businesses, craft production and sale, and cultural as well as nature-based tourism. In particular, they want to see a greater role for women in heritage tourism.<sup>21</sup>

## **Mining issues**

Indigenous residents continued to raise concerns over the expansion of mineral prospecting and hydraulic fracturing (fracking) activities that were ongoing in 2015 in the Okavango World Heritage Site, the Kgalagadi Transfrontier Park, the Central Kalahari Game Reserve, and other areas of Botswana.<sup>22</sup>

Residents of the reserve were concerned about the media stories that another diamond mine was to be opened in the Central Kalahari.<sup>23</sup> In December, the Minister of Environment, Wildlife and Tourism Tshekedi Khama questioned the wisdom of awarding a license to Gem Diamonds' Ghagoo mine, saying that "We cannot have degradation of the land".<sup>24</sup> While a few San and Bakgalagadi were employed at the Ghagoo (Gope) mine, the people of the area continued to press for greater benefits to be provided by Gem Diamonds to the Gope community.

## **Political representation and San leadership**

Botswana's indigenous peoples continued to be concerned about political representation in 2015, pushing for political involvement at all levels of government. While some communities have democratically-elected San headmen/headwomen, numerous remote area settlements with San majorities lack San representational leaders. Jumanda Gakelebone, one of the indigenous protagonists in the CKGR struggle against the Government of Botswana, continues to serve as District Councillor for New Xade in the Ghanzi district.

## **Education for San students**

Botswana's indigenous people living in remote areas continue to have less access to educational opportunities than other children. Drop-out rates of San, Nama and Balala children were high in 2015 due to problems of bullying, intimidation and discrimination in the schools. The Ministry of Education and Basic Skills Development (MOESD) maintained its policy of requiring classes to be taught in Setswana and English instead of allowing the teaching of mother-

tongue languages. Failure to use children's mother tongues is a factor in the drop-out rate, and some of these languages are considered critically endangered.

Children in remote areas are often transported to and from their schools on trucks. On 12 November, a tragic truck accident occurred near Dutlwe in western Kweneng District involving secondary school students from Matsha College in Kang. Seven students died, and 126 more were injured. Local politicians, members of Parliament, and non-government organizations have called for an investigation into the accident and a ban on the use of trucks for carrying students.<sup>25</sup>

On the positive side, the Botswana government has invested a great deal of money in making sure that some places in remote areas, such as the CKGR resettlement site of Kaudwane, are "oases of technology" where local people can have access to the worldwide web through the expansion of communication technologies.<sup>26</sup> This increased availability of information has contributed to a heightened awareness of their identity both as indigenous people and as citizens of Botswana. ○

## Notes and references

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