



SUGGESTIONS OF QUESTIONS AND RECOMMENDATIONS TO BE ADDRESSED TO BOTSWANA FOR THE UPR – UN HUMAN RIGHTS COUNCIL (HRC)

The International Work Group for Indigenous Affairs (IWGIA) is an international NGO with ECOSOC Special Consultative Status, working in support of indigenous peoples worldwide. As such, IWGIA would be interested in contributing to and lending its expertise to governments on questions relating to indigenous peoples issues discussed during country reviews at the sessions of the UPR.

In this letter, IWGIA is pleased to provide the following input to the review of Botswana during the 3rd session of the UPR.

For any further questions and follow-up information, please contact Kathrin Wessendorf at kw@iwgia.org.

Questions with particular reference to the compilation prepared by the OHCHR (A/HRC/WG.6/3/BWA/2), the Summary prepared by the OHCHR (A/HRC/WG.6/3/BWA/3) and the National Report (A/HRC/WG.6/3/BWA/1

1) Issue: The High Court of Lobatse concluded on 13 December 2006 that the Gana and Gwi indigenous communities (also referred to as “San” or “Bushmen”) had been unlawfully deprived of their traditional lands in the Central Kalahari Game Reserve (CKGR). The government’s denial to allow the entry of former residents into the CKGR and their refusal to issue game licenses to the remaining residents was unlawful and unconstitutional. Since this ruling, reports have been received by, among others by the Special Rapporteur on indigenous people, that the court’s decision was not being fully implemented by authorities and that the San still received eviction threats.

Questions:

How does Botswana in the future ensure that the provision of the right of return in the High Court decision will be implemented?

How does the government of Botswana ensure the inclusion of its indigenous peoples, and particularly the San residents of the CKGR in their Vision 2016?

2) The Government of Botswana states that that ill-treatment and torture are inconsistent with their law and practice and declared their non-awareness of the allegations of arrest and ill treatment of the members of the Gana and Gwi communities by wildlife officers. We

are very pleased to learn that Botswana intends to institute an investigation on the cases referred to by the Special Rapporteur on food and the Special Rapporteur on indigenous people regarding allegations of arrest and ill treatment of the members of the Gana and Gwi communities by wildlife officers.

Questions:

Could Botswana update on the state of affairs of this investigation? What are the findings?

When are the results and the information from this investigation expected to be presented to the Special Rapporteurs?

3) Botswana states in its reports that minority groups in Botswana enjoy all the rights under the laws of the country. They have the right to practice their own culture, to profess and practice their own languages. The Multicultural Coalition of Botswana (RETENG), as well as CERD note that discrimination of non-Tswana tribes is still practiced and that Botswana's laws permit discrimination on the basis of ethnicity, language and culture. This discrimination is particularly related to the rights to education in their own culture and language.

Questions:

Which positive actions are being contemplated within specific areas such as, for example, in public education in order to create tolerance and respect for people of different cultures, ethnic traditions; what efforts are being made to allow diverse languages, including minority languages, to be taught in the school, and how are issues concerning minority cultures being incorporated into school curricula and text books?

What is the Botswana government planning to do to eradicate discrimination at all levels of society?

Recommendations

1. It is recommended that the government of Botswana work with the Land Boards of the various districts to ensure equity in land allocation among all applicants for (a) residential land, (b) arable land, (c) grazing land, (d) water sources, and (e) business sites

2. It is recommended that the Remote Area Development Program of the Ministry of Local Government expand its activities, in conjunction with district councils, to include economic and employment-related support for individuals and communities in order to alleviate poverty.

3. It is recommended that under the Botswana government's community based natural resource management (CBNRM) policy, community based organizations such as community conservation trusts should have the right to manage and oversee their own funds that are generated from CBNRM activities.

4. It is recommended that the Botswana government pursue a policy of mother

tongue language education in conjunction with the national languages of Setswana and English.

5. It is recommended that Special Game Licenses be allocated to individuals who qualify for them.