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12 March 2010

Excellency,

The Committee on the Elimination of Racial Discrimination wishes to inform you that, during its 76<sup>th</sup> session, it considered on a preliminary basis, under its early warning and urgent action procedure, information received on the situation of San/Basarwa indigenous people reportedly forced out of their traditional lands in the Central Kalahari Game Reserve.

The Committee recalls that, in 2005, it was already concerned about the persistent allegations that residents of the Central Kalahari Game Reserve were forcibly removed through such measures as the termination of basic and essential services inside the Reserve, the dismantling of existing infrastructures, the confiscation of livestock, harassment and ill-treatment of some residents by police and wildlife officers, as well as the prohibition of hunting and restrictions on freedom of movement inside the Reserve. It then recommended the State party to pay particular attention to the close cultural ties that bind the San/Barsawa to their ancestral land; to protect the economic activities of San/Barsawa that are essential elements of their cultural life, such as hunting and gathering practices; to study all possible alternatives of their relocation; and to seek the prior, free and informed consent of the persons and groups concerned CERD/C/BWA/CO/6, par. 12).

According to information received by the Committee, in 2002, San/Barsawa indigenous people challenged their eviction in the High Court of Law of Botswana. In 2006, the High Court of Law ruled that their eviction was unlawful and unconstitutional. Notwithstanding, the Government allegedly continued the discriminatory treatment of San/Barsawa through banning them from using their water borehole and hunting for food on their land. The Committee is concerned about the alleged lack of implementation the High Court of Law's decision.

In light of the above, the Committee would like to request the State party to submit information on the situation of the Bushmen indigenous people. In particular, it would appreciate to receive comprehensive information on measures taken to implement the decision of the High Court of Law and to allow San/Barsawa indigenous people to recover their traditional lands. Finally, the State party is requested to provide the Committee with information on measures taken to implement the recommendation made in the Committee's concluding observations referred above.

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Rest assured, Excellency, that the Committee looks forward to engaging in a constructive dialogue with the Government of Botswana, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Anwar Kemal', with a long, sweeping underline that extends to the right.

M. Anwar KEMAL  
Chairperson of the Committee on the  
Elimination of Racial Discrimination

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