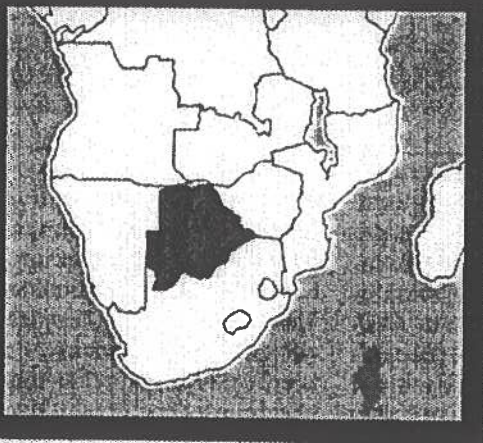


BOTSWANA Bushmen's Decision to relocate the People of the Central Kalahari Game Reserve

BOTSWANA



by Robert Hitchcock

consensus or genocide?

Our guiding principle in international affairs is that every national group has a right to self-determination, that the essence of democracy is that minorities and ethnic groups comprising a nation should not be subjected to any form of discrimination, and should happily accept the authority of the national government in the knowledge that they form no insignificant part of the national community.

President Seretse Khama (1968:26).

A serious problem facing indigenous peoples in Africa has been the effort on the part of governments to remove people from their ancestral lands. These kinds of policies have been pursued for a variety of reasons: commercialization of land in order to establish a real estate market, the turning of communal areas into private farms or ranches which are then leased out or sold to companies and individuals, and the establishment of protected and conservation areas, especially national parks and game reserves, by the state. All of these actions have led to the dispossession of resident populations or restrictions in access rights to natural resources in those areas.

This kind of process currently is taking place in the Republic of Botswana in southern Africa, where the residents of the Central Kalahari Game Reserve were

told by the government in February 1996 that they were going to be relocated outside of the reserve. The Central Kalahari Game Reserve, the third largest game reserve in Africa, was originally established as a means of protecting the rights of local peoples, including G/wi and G//ana Basarwa (Bushmen) and Bakgalagadi. This policy will affect between 950 and 1,000 people who currently reside in the central Kalahari, and have impacts on another 2,500-3,000 people in surrounding areas who retain long-standing customary land and resource use rights there. The move out of the central Kalahari could have a whole series of negative effects on both the people who are moved as well as those people who reside in the areas where resettlement occurs.

From 1986 and continuing into 1996, representatives of the Botswana government have held discussions with Central Kalahari Game Reserve residents in an attempt to convince them to move to areas outside of the reserve. Several reasons were given by government officials to local people as to why the resettlement was necessary. First, they noted that the move would help ensure conservation of the resource base, including wildlife, in the reserve. Second, they said that the reserve contained "resources of national importance," specifically diamonds and other minerals. Third, they said it would enhance the tourism potential of the region. Fourth, they maintained that it would be cheaper to provide services to people in places that were not as remote as the central Kalahari. Finally, they suggested that if resettlement occurred, those who were moved would have greater access to eco-

nomic opportunities and to government services and thus "be able to integrate with the rest of Botswana society."

The Central Kalahari Game Reserve was promulgated on 14 February 1961 (High Commissioner's Notice No. 33 of 1961, "Establishment of the Central Kalahari Game Reserve") and was included in The First Schedule (Section 5 of *The Fauna Conservation Proclamation* (No. 22 of 1961). Subsequent legislation relating to the reserve was passed in 1963 ("Central Kalahari Game Reserve - Control of Entry Regulations," *Government Notice No. 38* of 1963). Additional legislation relating to reserve areas was contained in the *National Parks Act, 1967* which has now been superseded by *The Wildlife Conservation and National Parks Act, 1992* (Act No. 28 of 1992), Second Schedule (Section 12), p. A171. The Central Kalahari Game Reserve currently covers an area of 52,347 square kilometers, the largest protected area in Botswana.

The proclamation of the Central Kalahari Game Reserve (CKGR) came about as a result of the efforts of the Officer-in-Charge, Bushman Survey, George B. Silberbauer, who worked in the region beginning in the late 1950s and continuing through the mid-1960s. At the time the reserve was declared, there were approximately 5,000 people, many of them Basarwa (Bushman, also known as Khwe) and Bakgalagadi, in the reserve. Silberbauer's recommendations concerning the establishment of the CKGR in 1961 included the stipulation that traditional subsistence-oriented hunter-gatherers in the Central Kalahari Game Reserve be allowed to continue to reside there and to hunt and gather for purposes of obtaining food and materials.

The declaration of the central Kalahari area as a game reserve under the *Fauna Conservation Proclamation* of 1961 meant that hunting and gathering was not allowed, but an exemption was made for those people whose primary subsistence



Photo: Robert K. Hitchcock

was derived from wild plants and animals. Subsistence hunters, defined in the *Fauna Conservation Proclamation* (Section 4[3]) as those groups completely or primarily dependent on hunting and gathering of 'veld' produce, were recognized as a special case, and they were not required to purchase a license. As the *Fauna Conservation Proclamation* (pp. 9-10) noted, the crucial factor was whether "the animal is hunted for the reasonable food requirements of the hunter or of the members of the community to which he belongs."

Remote Area Dwellers in Botswana, including people in the central Kalahari, continue to have subsistence hunting rights, in the form of Special Game Licenses (SGLs), which were guaranteed in 1979 under the *Unified Hunting Regulations* of 1979 (Section 7[1]). Additional regulations on Special Game Licenses were included in the *Wildlife Conservation and National Parks Act*, 1992 (Section 30[1]0 (Republic of Botswana 1992: A138). Special Game Licenses were allocated to Remote Area Dwellers in the central Kalahari from the time of their inception in 1979 and were allocated as recently as 1995. The problem now is

that the government of Botswana is in the process of doing away with the Special Game Licenses, something that will have negative effects on the social and economic well-being of people in the central Kalahari and other parts of rural Botswana.

In 1962, a borehole was drilled at !Xade (Cade) in the central Kalahari. A sizable number of people moved to the !Xade, which eventually became a government settlement under Botswana's Remote Area Development Program. A number of different types of facilities were established at !Xade, including a school, health post, tribal offices, a *kgotla* (meeting place), and a Department of Wildlife and National Parks game scout camp. A process of sedentarization also occurred in other parts of the central Kalahari, and by the early 1990s, population was concentrated in seven communities which ranged in size from 41 to 528 people. The 1991 Botswana census showed a population of 994 people in the Central Kalahari Game Reserve, whereas Remote Area Development Program figures for the same period indicate a somewhat higher population, around 1,100.

In 1986, after a fact-finding mission by the Botswana government on the central Kalahari, the Ministry of Commerce and Industry ruled that "Viable sites for economic and social development should be identified outside the Reserve and the residents of the Reserve encouraged — but not forced — to relocate at those sites" (Circular No. 1 of 1986, Ref. CI 4/8 II (II), 15 July 1986). As it turned out, no sites were identified, in spite of extensive efforts.

In the late 1980s the government pursued a policy of 'freezing' development in the Central Kalahari Game Reserve. When the borehole at !Xade, the largest community in the reserve, broke down, it took months before it was fixed. Buildings and roads were not maintained in the reserve except for those going to Department of Wildlife and National Parks camps. Even drought relief feeding programmes were slower in the central Kalahari than elsewhere in Botswana, a situation which threatened the well-being of people in several parts of the reserve.

Both international and local institutions expressed concerns about the human rights implications of the require-



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ment for people to leave the central Kalahari. In 1989, the London-based indigenous rights organization, Survival International, came out against the relocation policy. The Ghanzi District Council, which oversees the central Kalahari, in 1990 also expressed misgivings about the policy of requiring people to leave their traditional areas in the reserve. They argued instead for a strategy where people would be allowed to stay where they were and to continue to receive development assistance.

A primary reason given for the relocation of the people of the central Kalahari out of the CKGR was to serve national interests through conservation of wildlife, expansion of tourism, and the exploitation of minerals. With respect to the tourism question, Section 14(3) (c) of the Botswana Constitution permits "the imposition of restrictions on entry into or residence within defined areas of Botswana of persons who are not Bushmen to the extent that such restrictions are reasonably required for the protection or well-being of Bushmen." This statement could be interpreted to mean that the Constitution recognizes exclusive rights of Bushmen communities to land and also underscores their right to determine who enters their areas, including tourists.

The people of the Central Kalahari are within their constitutional and customary rights to maintain their occupation, land use, and resource rights in the Central Kalahari. These rights are underscored in the Constitution of Botswana, the government of Botswana's 7th National Development Plan, and the various government white papers on government land and natural resource management policy. These documents hold that all peoples, regardless of their ethnic background, have the right to land and resources.

The Constitution of Botswana guarantees "protection of freedom of movement" under Section 14. What this means in legal terms is that people have "the right to move freely throughout Botswana," and "the right to reside in any part of Botswana." Under the Botswana Constitution there is also right of access to the High Court of Botswana in cases of dispute concerning the legality of the acquisition of land by the government.

The response of the vast majority of CKGR residents to government requests that they resettle is that they have no desire whatsoever to move out of the reserve. The government of Botswana maintains that the majority of people who spoke out at a public (*kgotla*) meeting in February 1996 were in favor of

moving out, according to a statement by the Ministry of Local Government, Lands, and Housing issued in February 1996. While this might be the case, it must be kept in mind that the *kgotla* meeting did not have all of the people in the central Kalahari in attendance, and often only the more forceful people speak out in those contexts. Subsequent interviews of people in the Central Kalahari by Ditshwanelo, the Botswana Center for Human Rights, indicates that there were very few people who were in favor of moving out.

While it has been argued by the Government of Botswana that alternative sites have been identified for the relocation of people out of the Central Kalahari, there is little indication that these sites are sufficient in size and resources available to ensure that the people who are moved will be able to support themselves in the new settlements. Questions also remain as to whether or not appropriate consultation, adjudication of claims, and compensation procedures have been worked out.

The decision to remove people from their lands in the Central Kalahari could serve to erode the social, economic and environmental status of people in the CKGR and in the region where they are relocated. It is open to question whether

or not new places have actually been developed to provide for the needs of the people being relocated. Judging from other experiences with Remote Area Dweller settlements in Botswana, it is highly unlikely that the people who are moved will be granted *de jure* rights over the land in the new settlements. What this means, therefore, is that there is no guarantee that they will be able to prevent other groups and individuals from moving in to their settlements to benefit from the social services, infrastructure, and the grazing, water, and other resources there.

In the period between February and June 1996, a number of different organizations sent official letters to the government of Botswana requesting a reconsideration of the Central Kalahari Game Reserve relocation decision. These organizations include the American Anthropological Association, the African Wildlife Foundation, Survival International (London), First Nations Development Institute (Fredericksburg, Virginia, USA), the International Work Group for Indigenous Affairs, Kgeikani Kweni (First People of the Kalahari), and Ditswanelo (the Botswana Center for Human Rights). John Hardbattle and Roy Sesana of Kgeikani Kweni raised the issue of the Central Kalahari Game Re-

serve relocation at the United Nations Human Rights Commission meetings in Geneva in March 1996.

There have been discussions in the House of Lords in England and the United States Congress, and the European Union is in the process of addressing the issue, as are the governments of the Netherlands, Denmark, and Norway. Great Britain and the European Union are proposing to send delegations to Botswana to investigate the situation in the central Kalahari and to discuss government decisions and plans. Ditswanelo (the Botswana Center for Human Rights) and the Khwe (Bushman) organization Kgeikani Kweni have both sent teams into the central Kalahari to talk to people in the various communities. One of the conclusions of these investigations was that people were feeling pressure from various sources to leave the reserve.

The Central Kalahari Game Reserve should remain in the hands of those who live in it. The government of Botswana could best serve the interests of the people in the Central Kalahari by allowing them to maintain their land and resource rights *inside* the Central Kalahari Game Reserve. One way to do this would be to grant rights to the various communities in the reserve by establishing Commu-

nity-Controlled Hunting Areas (CCHAs), as has been done in other areas of Botswana. Another way to handle the situation would be to turn the Central Kalahari Game Reserve over to the residents of the reserve, making it, in effect, a kind of cultural park or biosphere reserve.

From a human rights perspective, the best strategy for the government of Botswana to pursue would be to provide development assistance to those people who wish to stay in the reserve. At the same time, the government and those organizations working with it should ensure that anyone who wishes to relocate outside of the reserve (a) is fully consulted, (b) has their traditional and contemporary claims to land, resources, and assets determined and adjudicated, (c) is provided with fair and just compensation both in kind (in the form of land) and cash for any assets they lose, and (d) is ensured that their livelihood will be at least equal to or better *after* resettlement than is the case currently, as is in keeping with international standards pertaining to the resettlement of populations.

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"Bushman and the Politics of the Environment in Southern Africa"

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