



Republic of Botswana

STATEMENT

BY

MR. AUGUSTINE MAKGONATSOTLHE

SECRETARY FOR DEFENCE, JUSTICE AND SECURITY

ITEM 3

**RESPONSE TO THE REPORT BY
SPECIAL RAPPORTEUR ON THE
SITUATION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS OF INDIGENOUS PEOPLE**

20th September, 2010

Geneva, Switzerland

(Please Check Against Delivery)

Mr. President;

1. My Delegation welcomes the opportunity to have an Interactive Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya, and present Botswana's response to his report following the country-visit in March 2009.

2. We welcome the report by the Special Rapporteur. The presentation of the report, and indeed our response mark an important step in the on-going consultations between the Government of Botswana and the mandate holder.

Mr. President,

3. The Government of Botswana appreciates and recognizes the value and merit of engaging in a constructive exchange of views with all human rights mechanisms and mandate holders, and we have continued to demonstrate our commitment to this end.

4. We welcomed the visit by Mr. Anaya as part of our overall policy of openness and transparency to international scrutiny, as well as a demonstration of our readiness to cooperate in that regard.

5. We trust that the visit by Mr. Anaya to Botswana presented an invaluable opportunity for him and indeed the international community to learn more about Botswana's policies and programmes regarding the disadvantaged remote area dweller communities, and the efforts being made to alleviate their condition.

6. In our firm commitment to cooperate with the mandate of the Special Rapporteur, we do so alive to the fact that **all Batswana are indigenous to the country**. Botswana is inhabited by many different ethnic groups that occupied the geographical areas of present day Botswana at different times in history.

Mr. President,

7. We are pleased to note that the report of the Special Rapporteur acknowledges the positive aspects of the efforts by the Government to uplift the lives of all its people.

8. In particular, Part III of the Special Rapporteur's report discusses, among others, the legal framework that is the foundation that guides us in the development of policy, legislation and programmes in building a society that is genuinely inclusive and not discriminating on the basis of ethnic or tribal identity.

Mr. President,

9. Having carefully studied the report, including its conclusion and recommendations, the Government of Botswana wishes to underline that some of the recommendations were already being implemented, while others have been noted for further reflection.

10. While we acknowledge that some parts of the report of the Special Rapporteur have offered us some useful insights and purposeful reflection, we have made some observations that reveal a possible lack of understanding or factual inaccuracies.

11. To this end, we have provided a detailed reaction to each recommendation advanced by the Special Rapporteur in a document circulated at the back of the room. We request that this document be made a part of the official records of this Session, and that it be placed on the Human Rights Council Extranet.

Mr. President,

12. Some of these observations relate to the aspect of the duty to consult. Convinced of the Government's firm commitment to the principle and practice of consultation and dialogue with its people, we find the assertion by the Special Rapporteur that marginalized communities are not adequately consulted in Botswana as being an incorrect reflection of our practice.

13. This is because Government practices development planning that involves its citizenry at all levels through structures such as Village Development Committees (VDC) and the *Kgotla* system, through which development initiatives are channeled. Development plans in Botswana are underpinned by extensive consultations based on inclusivity across all levels.

14. Contrary to the assertion that Basarwa are not allowed to engage in subsistence hunting and gathering in accordance with traditional practices, the Basarwa are encouraged to use their traditional hunting weapons which can allow for the species to multiply.

15. Another assertion that Basarwa are prohibited from practicing their traditional healing practices is not only incorrect but also regrettable. To the contrary the Botswana National Health Policy acknowledges traditional health practices. Hence the Ministry of Health is engaged in consultations with traditional healers, including Basarwa, to develop legislation on traditional medicine.

Mr. President,

16. These are some of the observations we have sought to highlight. As I have stated, we have prepared a detailed response to the Special Rapporteur's report. We trust that our explanations will provide another perspective to the report on the country-visit.

17. In **conclusion, Mr. President**, may I express the Government of Botswana's appreciation for the work of the Special Rapporteur and reaffirm our continued cooperation with and support for this mandate.

I thank you for your kind attention.