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THE VOICE AND ACTION FOR AFRICAN PHILANTHROPY

Basarwa Empowerment in Botswana: Regression and Advancements in Land Rights

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The APN Youth Leaders in Research Project was initiated for youth to share their perspectives on giving practices that address collective struggles through research papers and articles. As we work towards shaping the narratives around African giving under the values of Ubuntu, it is imperative that youth voices are at the center. We launched the APN Essay contest in 2021 with a focus on drawing inspiration from Africa's youth on the power of African philanthropy in championing social change. In 2022, the theme was; "the role of African philanthropy in addressing community challenges". Then, in 2023 the theme was; "African Philanthropy Practice in the age of ongoing Climate Change". Since the launch of the contest, we have received an increased number of entries, from which winning essays have been awarded and published in [booklets](#)

For the 2024 edition we have decided to deepen the contribution of youth in shaping the narratives about African philanthropic practices, advocating for recognition of philanthropy as a durable strategy for development and values through research papers and articles instead of one-time essays. African philanthropy can be a tool to mobilize the demand side of systems change and by modelling alternative practices and structures that encourage new voices in the mainstream development knowledge economy.

The call 4th contest in 2024 is "African philanthropic practices for *Collective Freedom from Collective Struggles*". The adage that we are not free until every single one of us is free holds true now more than ever. It no longer serves us to operate in silos and in isolation. How can we start thinking of alleviating the various struggles in African communities as collective responsibility? In what ways are these struggles interconnected; what do climate justice, disability justice and gender-based violence have in common? How can thinking of them as connected, shift our efforts and fortify our goal of collective freedom. What is the role of African philanthropic practises amidst the current and future struggles towards collective freedom?

Abstract:

This paper intends to explore the regression and advancements of policies that support the empowerment of Basarwa's land rights in Botswana. It examines the historical context, current government policies, and challenges faced by Basarwa in accessing this basic human right, offering insights and recommendations for effective government policies towards the empowerment of the Basarwa people. While significant challenges remain, there have been notable achievements in recognizing and advancing their land rights. Continued efforts at legal reform, policy development, and international advocacy are crucial for ensuring the Basarwa people can reclaim their rightful place in Botswana's socio-economic landscape.

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1. Introduction

1.1. The History of the Basarwa People and Overview of the Central Kalahari Game Reserve (CKGR)

The Basarwa, also known as the Khoi-San, represent one of Southern Africa's oldest indigenous groups renowned for their traditional hunter-gatherer lifestyle. Genetic studies trace their ancestry as foundational to all living populations (Ikegaya, 2018). Inhabiting regions across Botswana, Namibia, South Africa, Angola, Zimbabwe, and Zambia, the Basarwa people deeply value harmonious coexistence with nature. Their livelihood revolves around sustainable practices and a profound spiritual connection with the land, enriched by extensive knowledge of local flora and fauna.

The Basarwa population is estimated to be around 100,000 individuals, though exact numbers vary due to the nomadic nature of many communities (Hitchcock, 2012). The population age breakdown shows a higher percentage of younger individuals, with a median age of around 20 years. This youthful demographic is indicative of higher birth rates and traditional family structures (Silberbauer, 1981). The literacy rates and access to modern education remain limited, reflecting the challenges these communities face in integrating with broader societal structures while preserving their cultural heritage.

My interest in researching the Basarwa people stems from their unique cultural heritage and historical resilience against challenges to their way of life. In particular, my decision to analyze literature and policy of Basarwa land rights emerged after encountering difficulties accessing comprehensive and reliable information from governmental sources. This approach allows for a nuanced exploration of the literature on their cultural significance, environmental stewardship, and the socio-economic impacts of conservation policies, such as those affecting the Central Kalahari Game Reserve (CKGR). Established in 1961 to safeguard the Kalahari Desert's diverse ecosystem, including the Basarwa communities, CKGR spans 52,800 square kilometres, making it one of Africa's largest protected areas in Botswana's Ghanzi District. This research aims to highlight the Basarwa people's enduring cultural identity within the context of conservation efforts and governmental policies that impact their livelihoods and heritage.

1.2. Botswana Government Policies and Their Impact on the Basarwa People

When Botswana gained independence in 1966, economic development and modernisation were a priority for the nation. The government launched policies that have to date had a profound impact on communities like the Basarwa people. The Tribal Land Act of 1968 in particular, and the Wildlife Conservation and National Parks Act of 1992, have significantly contributed to the land dispossession and displacement of the Basarwa (Khoi-San) people.

The Tribal Land Act of 1968¹ redistributed land rights, excluding the Basarwa people from benefiting from this redistribution. This legislation significantly impacted the traditional territories of the Basarwa, leading to a loss of land and resources that are essential to their way of life. This exclusion was exacerbated by

¹ **Tribal Land Act of 1968:** An Act to provide for the establishment of tribal land boards and to vest tribal land in such boards; to define the powers and duties of such boards, and to make provision for the allocation of tribal land for various purposes and for matters incidental thereto.

the Tribal Grazing Land Policy (TGLP) of 1975,² which allowed for the creation of ranches on communal grazing lands, leading to the eviction of Basarwa without compensation. This policy led to the establishment of commercial ranching areas in seven districts out of ten, with communal service centres that were insufficient for the Basarwa people's traditional foraging lifestyle, as they typically require 60,000 to 400,000 hectares to sustain their communities. Instead, the allocated areas averaged only 17,700 hectares, leading to resource depletion and overgrazing in these densely populated centres (Cultural Survival, 2024).

The Wildlife Conservation and National Parks Act of 1992 further compounded these issues by prioritising wildlife conservation and tourism over the land rights of the Basarwa³. This act enabled the President to designate land as national parks or game reserves, restricting traditional hunting and gathering activities essential to Basarwa people's culture and survival (Wildlife Conservation and National Parks Act Chapter 38:01).

The government of Botswana continues to argue that these cases of land dispossession and displacement to designated settlements are necessary for conservation and development. On the contrary, the relocation of the Basarwa people from the CKGR has been widely criticized as a violation of their fundamental human rights. Critics, including former Botswana Attorney General Duke Lefhoko, have described the displacement as not only a legal and moral failure but also a social and economic disaster, stripping the Basarwa of their cultural identity and subjecting them to poverty and dependency.

Academics have documented the adverse effects of these relocations. Anthropologist Robert Hitchcock noted that "the forced removals have led to the disintegration of Basarwa social structures and the loss of traditional knowledge and practices, leading to severe social and economic disadvantages" (Hitchcock, 2012).

Along with economic marginalisation, this displacement has led to cultural erosion, and social challenges for the Basarwa people. Many of those relocated were moved into resettlement camps with inadequate opportunities to pursue their traditional lifestyle. Resettlement camps often lacked the basic infrastructure and resources necessary for the Basarwa to sustain their traditional hunter-gatherer way of life. Instead, they were offered agricultural plots or low-paying manual labour, neither of which aligned with their skills or cultural practices. These drastic changes resulted in high rates of unemployment, alcoholism, and exposure to diseases such as HIV (Minority Rights Group International, 2024).

The lack of culturally appropriate employment opportunities led to high rates of unemployment among the relocated Basarwa. Without the ability to engage in traditional economic activities, many were left without a source of income. The sudden shift from a self-sustaining lifestyle to dependence on government aid and inadequate job prospects resulted in widespread economic hardship.

² **The Tribal Grazing Land Policy (TGLP) of 1975** was an initiative by the government of Botswana aimed at addressing issues of overgrazing and land degradation by reallocating communal grazing lands. The policy sought to improve livestock management practices by dividing grazing areas into commercial ranches, communal areas, and reserved lands.

³ **Wildlife Conservation and National Parks Act, 1992:** This Act governs the establishment, management, and utilization of wildlife and national parks in Botswana, placing significant emphasis on the protection of wildlife and promotion of tourism, often at the expense of the land rights and traditional lifestyles of indigenous groups such as the Basarwa.

The relocation of the Basarwa from the CKGR was often accompanied by the destruction of water supplies and the withdrawal of essential services, which made it difficult for the Basarwa to return to their ancestral lands. This strategy has been documented as a deliberate attempt to discourage the Basarwa from reclaiming their traditional territories and to solidify the government's conservation and tourism agendas (Good, 2003). The Botswana government justified these actions by citing the high costs of providing services within the reserve and claimed that the relocations were voluntary. However, evidence suggests that these moves were primarily driven by the discovery of diamonds within the CKGR in the 1980s (Minority Rights Group International, 2024). This discovery led to significant interest from government and commercial entities, resulting in increased pressure on the Basarwa people to vacate their ancestral lands to make way for mining activities.

1.3. Purpose and Structure of the Paper

This paper takes on the form of a comprehensive analysis of the knowledge and literature around Basarwa land rights and aims to achieve the following objectives:

- Explore the historical context of Basarwa land rights in Botswana: This section will delve into the historical evolution of Basarwa land rights, spanning pre-colonial, colonial, and post-independence eras. It will highlight significant changes and challenges faced by the Basarwa people in terms of land ownership and rights.
- Analyse the legal and policy frameworks affecting their land rights: This section will critically examine the Legal and Policy frameworks that influence Basarwa land rights in Botswana. It will include an analysis of Botswana's Constitution, key legislation, and governmental policies. Special emphasis will be placed on identifying socio-economic and political barriers that have hindered the Basarwa people's empowerment in terms of land rights.
- Investigate recent advancements and initiatives aimed at empowering the Basarwa: This part of the paper will review recent developments such as legal victories, governmental initiatives, and efforts by non-governmental organisations (NGOs) and international bodies to empower the Basarwa community. It will analyse the effectiveness of these initiatives and their impact on Basarwa land rights.

2. An analysis of literature and policy of Basarwa Land Rights

This section intends to explore existing literature focusing on the historical context- pre-colonial, colonial, and post-independence times of the Basarwa people. Secondly, it will examine the impact of government policies particularly, the Rural Area Development Programme and Affirmative Action, has had as it pertains to land rights and socio-economic conditions of the Basarwa people.

2.1. Historical Context of Basarwa Communities

2.1.1. Pre-Colonial Era

The Basarwa have always practised communal ownership and use of natural resources, reflecting their deep connection to their ancestral lands, as highlighted by Barnard (1992) and Lee and DeVore (1976).

Various anthropological studies provide insights into how indigenous communities like the Basarwa maintain their livelihoods and cultural practices through this deep-rooted relationship. A research paper by Biesele and Hitcock (2013) studying the Ju/'hoansi (a subpopulation of the Basarwa) in Botswana emphasises the intimate ties between their cultural identity and the natural environment:

"For the Ju/'hoansi, the land is not just a place to live but a living entity with which they have a deep spiritual and practical relationship. Their knowledge of the land's flora and fauna is extensive, encompassing not just the names and uses of plants and animals, but also their behaviours, seasons, and interrelationships."

Their pre-colonial era was characterised by a nomadic hunter-gatherer lifestyle. The community structures and knowledge systems are closely related to the land, making any form of land dispossession a direct threat to their livelihoods.

2.1.2. Colonial Era

When British colonists imposed new land tenure systems, declaring Ghanzi District a Freehold Land that prioritised agricultural and mining activities over the Basarwa people's hunting-gathering way of life (Hitcock 2002), it resulted in a widespread displacement and socio-economic marginalisation of the Basarwa people. The colonists were driven by economic interests, seeking to exploit the region's agricultural potential and mineral resources for profit, which they believed would contribute to the economic development and modernisation of the colony.

This period witnessed the expropriation of vast land, forcing many Basarwa people into marginal areas and fundamentally changing their socio-economic structures. Survival International (2023) documented cases where Basarwa people were forcibly relocated to marginal areas in the CKGR. This relocation was driven by government policies aimed at conservation and economic development, but it severely restricted the Basarwa's access to traditional hunting and gathering grounds (Survival International, 2023). The imposition of the Ghanzi District as Freehold Land forced the Basarwa people into more marginal and less fertile lands. These areas were often less suitable for traditional subsistence practices, such as hunting and gathering, due to environmental constraints and limited access to key resources (Hitcock 2002).

2.1.3. Post-Independence Botswana

Post-1966, when Botswana gained independence, many of the colonial land policies were never changed, continuing the marginalisation of the Basarwa people. The government enforced policies on national development, tourism and resource extraction, which impacted areas like the Central Kgalagadi Game Reserve (CKGR) and resulted in the mass relocation of the Basarwa people contrary to the country's democratic ethos (Good 1999). For instance, the construction of roads, establishment of tourist facilities, and mining activities in areas like the CKGR have disrupted Basarwa communities' access to their ancestral lands and resources (Survival International, 2023). Studies by Saugestad (2001) and Barnard (1992) reveal how the Basarwa people's cultural identity is intertwined with the land, where knowledge of flora, fauna, and survival skills are passed down through generations proving their rich and diverse culture. Land displacement serves as a threat to the preservation of these traditions.

2.2. Contemporary Challenges

Hitchcock (2002) and Saugestad (2001) observe that forced relocations and restricted access to their traditional lands have plunged the Basarwa people into poverty, significantly increasing their dependency on government aid. These displacements have had far-reaching consequences, including barriers to education and healthcare. For instance, many Basarwa children have limited access to schools due to the distances they must travel from resettlement areas, leading to lower enrollment rates and higher dropout rates compared to other population groups in Botswana (Survival International, 2023). Moreover, economic marginalisation remains pervasive among the Basarwa people. The loss of access to traditional hunting and gathering grounds has deprived them of reliable sources of livelihood, forcing many into precarious economic situations and perpetuating cycles of poverty (International Work Group for Indigenous Affairs, 2019). According to Saugestad (2001), these economic challenges are compounded by discriminatory employment practices, which are multifaceted and include aspects of both poverty and cultural marginalisation. There are also limited opportunities for meaningful economic participation outside of their traditional subsistence activities (Saugestad, 2001).

2.3. Government Policies on Land Rights

2.3.1. Rural Area Development Programme

The government of Botswana implemented the Rural Area Development Programme (RADP) to enhance the socio-economic conditions of rural residents, including the Basarwa. However, according to Hitchcock (2002), RADP's top-down approach frequently overlooked the specific needs and perspectives of the Basarwa community.

The Basarwa, traditionally a semi-nomadic people whose livelihoods are intricately tied to the land through hunting and gathering, possess distinct cultural and socio-economic characteristics. Their knowledge systems about natural resources, seasonal patterns, and traditional ecological practices are integral to their survival and well-being. Yet, RADP initiatives often imposed development strategies that prioritised agricultural and settlement-based models, which were not always suitable or sustainable for the Basarwa people's nomadic lifestyle and resource-use patterns (Survival International, 2023).

Moreover, the Remote Area Development Programme (RADP) implementation often neglected to consult or involve Basarwa communities in decision-making processes, undermining their agency and perpetuating a cycle of dependency rather than fostering self-determination and empowerment. This lack of inclusivity and cultural sensitivity contributed to the program's limited effectiveness in addressing the socio-economic challenges faced by the Basarwa (International Work Group for Indigenous Affairs, 2019).

Housing projects under RADP were another area of misalignment. The Basarwa traditionally live in temporary, movable structures that reflect their nomadic lifestyle and are adapted to the environment. The RADP's permanent housing structures did not accommodate this lifestyle, instead promoting a sedentary way of life that is alien to the Basarwa's cultural practices. More culturally sensitive solutions would include the provision of materials and designs that support movable or semi-permanent structures, allowing the Basarwa to maintain their traditional mobility while benefiting from improved living conditions

(International Work Group for Indigenous Affairs, 2019). This mismatch not only failed to improve their living conditions but also disrupted their social fabric and environmental sustainability practices (Garner 2009).

2.3.2. Affirmative Action

Botswana's affirmative action policies have sought to address historical injustices and improve the socio-economic status of marginalised groups, including the Basarwa people. There are three main Botswana government policy documents relating specifically to remote area populations. These are as follows: the Republic of Botswana (2000) Remote Area Development Program Operational Guidelines, the Republic of Botswana (2009) Revised Remote Area Development Programme (RADP) and the Republic of Botswana (2014) Affirmative Action Framework for Remote Area Communities (United Nations Development Programme 2016). The Affirmative Action Framework (AAF) was designed to support and uplift remote area communities, address inequalities, and improve living conditions in rural areas by providing targeted support and resources. For the Basarwa people, who are often dispossessed of their land rights by people from other areas, the framework states that the Government will, where appropriate, establish growth points for the establishment of formal settlements (Ng'ong'ola, 2017).

Several studies and reports have evaluated the effectiveness of the AAF since its implementation. According to a comprehensive review by Taylor and Mokhawa (2020), the AAF has had mixed results in its objectives to address inequalities and improve living conditions among the Basarwa people.

The establishment of growth points has facilitated better access to healthcare, education, and other essential services for some Basarwa people. There have been improvements in literacy rates and health outcomes in areas where growth points have been effectively implemented (Taylor & Mokhawa, 2020). On the other hand, the AAF has fallen short in effectively addressing land rights issues. The Basarwa continue to face challenges in reclaiming and securing their ancestral lands, as the framework's implementation often favoured other population groups over indigenous land claims (Ng'ong'ola, 2017).

3. Analysis of Government Policies and Legal Frameworks Impacting the Basarwa

This section will delve into the examination of government policies and legal frameworks and their effects on the Basarwa people. It will analyse how these policies align or conflict with Basarwa preferences and traditional land use practices, assessing the broader implications for their social fabric and environmental sustainability.

3.1.1. Positive Outcomes

Government policies have resulted in several positive outcomes for the Basarwa, particularly in terms of improved access to education and healthcare. According to Hitchcock (2002), initiatives under the Remote Area Development Programme (RADP) have facilitated the construction of schools and clinics in remote areas, significantly enhancing the Basarwa people's access to essential services. These

developments have contributed to better health and educational outcomes for some Basarwa people. According to the 2023 Ghanzi East Sub District Development Committee Report, in remote areas, 10 primary schools have been built and in that same year, 3727 students were enrolled.

The RADP has led to the establishment of several schools in remote areas like Kuke and Qabo, increasing educational access for Basarwa children. This has resulted in higher enrollment rates and some improvements in literacy levels (Hitchcock, 2002). Improved Primary School Leaving Examination results as 8 out of 13 Schools in the Ghanzi District added value in 2022 as compared to 6 out of 13 in 2021, with 2 schools performing above the regional target (Ghanzi District Council, 2023). Despite these advancements, the quality of education remains a significant concern. Many schools are under-resourced, lacking adequate teaching materials, trained staff, and infrastructure. Classes are often overcrowded, and the curriculum may not be culturally relevant, failing to incorporate the Basarwa people's language and traditions (Taylor & Mokhawa, 2020).

The construction of clinics under the RADP has improved healthcare access, resulting in better health outcomes in terms of reduced child mortality rates and improved maternal health (Hitchcock, 2002). However, the quality of healthcare services is often compromised by inadequate staffing, limited medical supplies, and poor infrastructure. Clinics are frequently understaffed, and healthcare workers may lack the training necessary to address both the general health needs and the traditional practices of the Basarwa (Good, 2019).

3.1.2. Ongoing Challenges

Despite these positive outcomes, significant challenges remain. The implementation of government policies often lacks a participatory approach, leading to solutions that are misaligned with the Basarwa's cultural and socio-economic realities. The RADP policy was initially set up for the Basarwa people but later that was changed to accommodate all Batswana showing the inefficiency of the policy to specialise towards solving this special challenge. Saugestad (2001) emphasises the need for policies that genuinely and solely involve the Basarwa in decision-making processes, ensuring that their rights and traditions are respected and preserved.

The quality of education also remains a significant concern. Many schools are under-resourced, lacking adequate teaching materials, trained staff, and infrastructure. Classes are often overcrowded, and the curriculum may not be culturally relevant, failing to incorporate the Basarwa people's language and traditions (Taylor & Mokhawa, 2020). High dropout rates persist among Basarwa students due to cultural dissonance, economic pressures, and the nomadic lifestyle of their families. The education system's failure to accommodate these factors undermines the potential benefits of increased access (Molamu, 2019).

Remote clinics may struggle to provide consistent services due to logistical challenges, such as difficulties in maintaining medical supply chains and attracting qualified healthcare professionals to work in isolated areas (IWGIA, 2022). Healthcare services often do not integrate traditional Basarwa medicinal practices or consider cultural differences in health beliefs and practices, leading to a reluctance among some Basarwa to seek medical help from these clinics (Hitchcock, 2020).

3.2. Legal and Policy Frameworks Affecting Basarwa

Basarwa people's land rights have directly been impacted by the government of Botswana's legal and policy structures. This section of the advocacy paper will focus on exploring the literature on constitutional provisions, the Remote Area Development Programme, Affirmative Action policies, and key legislative acts that have shaped the landscape of the Basarwa land rights.

3.2.1. Botswana's Constitution and Minority Tribes Rights

Formed in 1966, the Constitution of Botswana is the supreme law of the country. Despite this, it does not explicitly recognise and include the rights of minority tribes, including the Basarwa people. For instance, the absence of specific constitutional provisions for minority rights was highlighted by the landmark case of *Sesana v. Attorney General* in 2006, where the Central Kalahari Game Reserve evictions were declared unlawful, but no affirmative steps were taken to address the root causes of the marginalisation of the Basarwa people (Good, 2009).

Additionally, the Tribal Territories Act of 1933, which still underpins land distribution laws, does not cater to the traditional lands of the Basarwa, instead recognising only the land claims of the eight principal Botswana tribes. This legal framework has perpetuated inequality, as noted in the UN Human Rights Council's 2013 report, which criticised Botswana for not amending these outdated laws (Saugestad, 2001).

The non-existence of specific provisions that support the empowerment of the Basarwa people creates a legal ambiguity that has historically left the Basarwa disadvantaged in their efforts to claim their land. For example, Ng'ong'ola (1997) in "Land Rights for Marginalised Ethnic Groups in Botswana, With Special Reference to Basarwa" discusses how the ambiguous legal status of Basarwa lands has led to numerous conflicts and the displacement of these communities from their ancestral territories.

Thus, while Botswana's constitution serves as the nation's fundamental legal document, its failure to explicitly address the rights of minority tribes such as the Basarwa continues to perpetuate legal uncertainties and systemic disadvantages for this minority population.

3.2.2. Constitutional Provisions

Chapter II of the Botswana Constitution guarantees every Motswana fundamental rights and freedoms, including property rights⁴. However, these provisions have often been interpreted in a manner that prioritises national development and state interests over indigenous land rights. For instance, the

⁴ **Botswana Constitution, Chapter II:** This chapter outlines the fundamental rights and freedoms guaranteed to every Motswana, including the right to property. The Constitution stipulates that "no property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where specific conditions are met." See **Botswana Constitution** Chapter II, Section 8

government's policy of establishing game reserves has resulted in the displacement of the Basarwa from their ancestral lands, undermining their traditional land tenure systems (Ng'ong'ola, 1997).

Furthermore, while the Constitution ostensibly protects property rights, the Basarwa have frequently faced legal and administrative obstacles in asserting these rights, particularly in cases involving land traditionally occupied by their communities but earmarked for national projects such as diamond mining and tourism development (Saugestad, 2001). It follows that the lack of explicit constitutional recognition of indigenous communities means that Basarwa land claims often fall outside the purview of constitutional protection, leaving them vulnerable to eviction and marginalisation.

3.2.3. Judicial Interpretation

The judiciary in Botswana has played a crucial role in interpreting the Constitution regarding Basarwa land rights. For instance, the Central Kalahari Game Reserve (CKGR) case (*Roy Sesana and Others v. The Attorney General*, 2006) stands out as a landmark example. In this case, the High Court ruled in favour of the Basarwa, affirming their right to return to their ancestral lands (*Sesana v. Attorney General* 2006). Despite this legal victory, the actual implementation of the court's decision has encountered significant challenges. These challenges include bureaucratic resistance, lack of political will, and inadequate enforcement mechanisms, which have collectively undermined the effectiveness of the judiciary's ruling.

The implementation of the court's decision has been hampered by slow and inefficient administrative processes. Government departments responsible for facilitating the return of the Basarwa to the CKGR have been criticised for their lack of urgency and bureaucratic inertia (Good, 2009). The process of land registration and securing legal land tenure for the Basarwa is complex and cumbersome. Many Basarwa face difficulties navigating these procedures, leading to delays in reclaiming their land (Saugestad, 2011).

To illustrate, the government of Botswana has intermittently restricted access to the CKGR for the Basarwa, despite the court's ruling. This ongoing struggle highlights the disconnect between judicial decisions and practical enforcement in matters of indigenous land rights (*Sesana et al. v. The Attorney General*, 2006).

Moreover, subsequent rulings and actions by the government have shown mixed results in upholding Basarwa land rights. In some instances, despite court orders, resettlement efforts have faced bureaucratic delays and insufficient support, further complicating the Basarwa's return to their ancestral lands (*Sesana and Others v. Attorney General*, 2006).

Therefore, while judicial decisions like those in the CKGR case provide critical legal precedents, the effectiveness of such interventions is often contingent upon broader constitutional frameworks and robust governmental commitment to Indigenous rights (*Sesana and Others v. Attorney General*, 2006).

3.3. Remote Area Development Programme (RADP)

The Remote Area Development Programme (RADP) was introduced in the 1970s as part of Botswana's broader strategy to integrate marginalised communities, including the Basarwa, into the national socio-economic framework.

3.3.1. Objectives and Implementation

The Remote Area Development Programme (RADP) aims to improve living standards in remote areas such as New Xade by providing basic services, including education, healthcare, and infrastructure. While well-intentioned, the program has been criticised for its top-down approach, often disregarding the cultural and social realities of the Basarwa (Hitchcock, 2012). The relocation of Basarwa communities from their ancestral lands to designated settlements under the RADP has disrupted their traditional way of life and undermined their land rights (Saugestad, 2011; Good, 2009).

3.3.2. Criticisms and Challenges

Critics argue that the Remote Area Development Programme (RADP) has inadvertently contributed to the marginalisation of the Basarwa by prioritising integration over cultural preservation. The resettlement initiatives have often been implemented without adequate consultation with the affected communities, leading to the loss of access to traditional lands and resources, which are vital for their economic and cultural survival. These initiatives have not only disrupted traditional lifestyles but have also failed to provide sufficient support for maintaining cultural practices and self-sufficiency (Hitchcock, 2012; Good, 2019). The exclusion of the Basarwa from decision-making processes further entrenches their marginalisation, diminishing their ability to influence policies that directly affect their livelihoods and cultural heritage (Taylor & Mokhawa, 2020).

3.4. Affirmative Action Policies

In recent years, Botswana has introduced affirmative action policies aimed at addressing the socio-economic disparities faced by marginalised communities, including the Basarwa.

3.4.1. Policy Framework

Affirmative action in Botswana encompasses various measures, including scholarships, employment quotas, and development grants, designed to uplift disadvantaged groups. These policies are intended to provide equal opportunities and enhance the socio-economic status of the Basarwa.

3.4.2. Effectiveness and Limitations

While affirmative action policies have had some positive impacts, their effectiveness is limited by systemic issues such as inadequate implementation, insufficient funding, and bureaucratic inefficiencies. According to Taylor and Mokhawa (2020), the lack of proper implementation mechanisms and the limited allocation of resources have significantly hindered the success of these policies. Additionally, Good (2019) highlights that bureaucratic inefficiencies within government departments responsible for administering these programs further exacerbate these challenges.

Moreover, these policies often focus on individual upliftment, which typically involves providing targeted assistance to specific individuals or families to improve their socio-economic status through measures such as education scholarships, job training programs, and small business grants. However, this approach does not address the broader structural inequities, including land rights. Saugestad (2011) argues that while affirmative action initiatives may help certain individuals improve their socio-economic status, they do not tackle the underlying systemic issues such as the dispossession of land and the

marginalisation of entire communities. This approach can lead to isolated successes without creating significant change in the overall socio-economic conditions of marginalised groups like the Basarwa, whose traditional lands and livelihoods are often not restored or adequately protected.

3.5. Key Legislation Affecting Basarwa Land Rights

Several legislative acts have directly influenced Basarwa land rights in Botswana, often prioritising conservation and development over indigenous claims.

3.5.1. Tribal Land Act of 1968

The Tribal Land Act of 1968 reformed land tenure systems in Botswana by transferring control of tribal lands to elected Land Boards. While this act aimed to democratise land administration, it marginalised indigenous systems of land tenure. The Land Boards have frequently allocated Basarwa ancestral lands to other uses, such as tourism and agriculture, without adequate consultation or compensation (Adams, 2003; Kalabamu, 2000).

3.5.2. Wildlife Conservation and National Parks Act of 1992

This act established a framework for wildlife conservation and the creation of national parks, including the Central Kalahari Game Reserve (CKGR). The designation of these protected areas has often resulted in the displacement of Basarwa communities, restricting their access to traditional hunting and gathering grounds. This displacement has led to significant social, economic, and cultural disruptions for the Basarwa, as noted by various scholars and human rights organisations (Hitchcock, 2002; Saugestad, 2001).

The Act prioritises wildlife conservation and tourism development, often at the expense of indigenous land rights. The establishment of national parks like CKGR has been a contentious issue, with the Basarwa being forcibly relocated to make way for conservation projects. This relocation not only displaces them from their ancestral lands but also undermines their traditional lifestyle, which is closely tied to their environment and natural resources (Good, 2009; IWGIA, 2020).

3.5.3. Land Policy and Tenure Reforms

Recent land policy and tenure reforms have aimed to streamline land administration and promote economic development. However, these reforms have not adequately addressed the specific needs and rights of the Basarwa, perpetuating their marginalisation. According to Saugestad (2011), the reforms have primarily focused on formalising land tenure and encouraging agricultural and commercial development, which do not align with the Basarwa's traditional land use practices. Hitchcock (2012) argues that the reforms have often overlooked the Basarwa's unique cultural and social context, leading to policies that inadvertently exclude them. Furthermore, Taylor and Mokhawa (2020) highlight that the lack of meaningful consultation with Basarwa communities during the reform process has resulted in policies that fail to protect their land rights and address their socio-economic challenges.

3.5.4. International Frameworks

Botswana is a signatory to several international conventions that recognise indigenous rights, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Despite this, the domestic implementation of these international standards remains limited. While Botswana has not ratified the International Labour Organization's Convention 169 on Indigenous and Tribal Peoples, it has supported UNDRIP, which affirms the rights of indigenous peoples to their lands, territories, and resources (IWGIA, 2019). The principles of UNDRIP provide a valuable framework for advocating Basarwa land rights; however, their practical impact in Botswana has been constrained by a lack of enforcement mechanisms and political will (Good, 2019).

4. Advancements and Initiatives aimed at Empowering the Basarwa

Different recent advancements and initiatives aimed at empowering the Basarwa people, involving legal victories, government initiatives, and support from non-governmental organisations (NGOs) and international bodies have been executed. This section delves into literature that reflects these advancements, incorporating perspectives from the government of Botswana and Basarwa communities gathered through interviews, assessing existing policies, and implementation challenges, and providing recommendations for improvement.

4.1. Legal Victories

One of the most significant achievements in recent years has been the legal recognition of Basarwa land rights by the Botswana High Court. The landmark case of the Central Kalahari Game Reserve (CKGR) in 2006 ruled in favour of the Basarwa's right to return to their ancestral lands. This decision marked a significant legal victory, affirming the Basarwa's inherent rights to their traditional territories. However, the implementation of this ruling has faced numerous challenges.

For instance, despite the court's ruling, the Basarwa have struggled with gaining access to essential services such as water. In 2010, the Botswana government was taken back to court for not providing water to the Basarwa living in the CKGR. The court once again ruled in favour of the Basarwa, allowing them to access water boreholes within the reserve. Nonetheless, the government's slow compliance with these orders has significantly hindered the Basarwa's ability to sustain their traditional lifestyle and general well-being (Survival International, 2010).

Furthermore, community leaders have voiced concerns over continuous bureaucratic obstacles and the lack of infrastructural support necessary to facilitate a sustainable return to their lands. Interviews with Basarwa community leaders reveal that, although they have the legal right to their land, practical challenges such as inadequate housing and limited access to healthcare and education persist. These issues highlight a gap between legal recognition and actual implementation of rights, which has left many Basarwa feeling marginalised and neglected by governmental policies (Motshubi, 2018).

4.2. Government Initiatives

The Botswana government has initiated various programs aimed at improving the socio-economic conditions of the Basarwa. These initiatives include:

1. Remote Area Development Programme (RADP): This program aims to provide basic services such as education, healthcare, and infrastructure development to remote Basarwa communities. Interviews with Basarwa residents reveal mixed responses. While some acknowledge improvements in access to services, such as the establishment of new schools and clinics, others criticise the program for failing to address the root causes of their marginalisation and for being inadequately funded. For instance, despite the construction of water boreholes, many Basarwa report that these facilities are poorly maintained and often non-functional, exacerbating water scarcity issues rather than alleviating them (Garner, 2009).
2. Economic Empowerment Initiatives: The government has introduced several projects to promote economic self-sufficiency among the Basarwa people, including vocational training and small business support. While the government offers training in carpentry and tailoring, many Basarwa have traditionally been skilled in hunting and gathering. This mismatch has resulted in low participation and success rates in these initiatives. As one resident remarked, "The skills they teach us are not what we are used to. We need support that respects our way of life" (Suping 112).
3. Consultative Forums: The establishment of forums to engage Basarwa representatives in policy discussions is another positive step. Basarwa representatives often feel that their voices are heard but not acted upon. For instance, during a forum discussing land rights, Basarwa participants proposed several measures to secure their ancestral lands. However, these suggestions were largely ignored in the final policy draft, leading to frustration and disillusionment within the community (Guenther 210).

4.3. NGO and International Support

NGOs and international bodies have played a crucial role in advocating for the Basarwa people's rights and providing support where government efforts fall short. Key organisations include:

1. Survival International: This NGO has been instrumental in bringing global attention to the plight of the Basarwa, advocating for their land rights and supporting legal battles such as the CKGR case. Survival International's efforts have helped to highlight the forced evictions and human rights abuses faced by the Basarwa, leading to significant international pressure on the Botswana government. For example, in the landmark CKGR case of 2006, Survival International provided crucial legal and financial support that enabled the Basarwa to win the right to return to their ancestral lands. The Basarwa communities have widely recognised and appreciated these efforts, noting the positive impact of the international visibility and pressure applied by the NGO. As one Basarwa leader stated, "Without the support of Survival International, our fight for justice might have gone unnoticed" (Survival International).
2. Kuru Family of Organisations: This network of local NGOs focuses on community development, cultural preservation, and education. The Kuru Family of Organisations has implemented various culturally appropriate educational programs and economic projects that align with Basarwa traditions and lifestyles. For instance, their educational programs are designed to incorporate traditional Basarwa knowledge and practices, making education more relevant and accessible to the community. Additionally, their economic projects, such as sustainable farming and craft

production, provide livelihoods that are consistent with Basarwa cultural practices. Community feedback has confirmed the success of these initiatives. One community member noted, “The Kuru Family of Organisations understands our way of life and helps us in ways that respect our culture” (Kuru Family of Organisations).

5. Challenges and Barriers to Basarwa Empowerment

Despite some advancements, the Basarwa continue to face significant challenges and barriers to empowerment. This section identifies and analyses the ongoing policy, socio-economic, and political barriers that hinder their progress. Insights from interviews with experts and stakeholders provide a deeper understanding of these issues.

5.1. Inconsistent Implementation of Court Rulings

Even when legal victories are achieved, their implementation is often inconsistent. For example, the Botswana High Court ruled in 2006 that the Basarwa could return to their ancestral lands in the CKGR. However, this ruling has faced numerous obstacles in practice. Despite the court's decision, the Basarwa have encountered significant challenges, including the government's reluctance to provide necessary services such as water and health facilities. This has made it difficult for many Basarwa to return and sustain themselves in their traditional homelands. Additionally, new bureaucratic hurdles and restrictive permit systems have been introduced, further complicating their resettlement.

The lack of infrastructure and support from the government has resulted in many Basarwa people being unable to return to the CKGR (Saugestad 2011). Furthermore, ongoing disputes over land rights and usage have continued to hinder the effective implementation of the court's ruling. Despite the legal recognition of their rights, the practical realities on the ground have not changed significantly for many Basarwa, as they still face barriers to accessing their ancestral lands (LeRiche 2014).

5.2. Economic Disempowerment

Land dispossession has forced many Basarwa into poverty, severely limiting their opportunities for sustainable livelihoods. The Basarwa community, traditionally reliant on their ancestral lands for hunting, gathering, and small-scale farming, faces significant challenges due to displacement. For example, the implementation of the Remote Area Development Programme (RADP) often relocated Basarwa to areas with inadequate resources, disrupting their traditional practices and making it difficult for them to adapt to new environments. This displacement has led to a widespread dependency on government aid, as the Basarwa struggle to find alternative means of livelihood.

Additionally, access to economic resources for the Basarwa is highly restricted. Government policies intended to integrate the Basarwa into mainstream economic activities often fail to account for their unique cultural and socio-economic circumstances. For instance, RADP's infrastructural developments, such as water boreholes and housing projects, typically do not align with Basarwa preferences or traditional land use practices. This misalignment not only fails to improve their living conditions but also disrupts their social fabric and environmental sustainability practices (Garner, 2009). Furthermore,

policies that favour large-scale commercial farming and resource extraction continue to marginalise the Basarwa, who lack the legal and financial means to compete or claim their traditional lands (Garner, 2009).

5.2.1. Health and Social Services

Access to healthcare and social services remains inadequate for many Basarwa communities. This inadequacy manifests in significant health disparities and a lack of essential social support services, which further contribute to their marginalisation. For instance, in the CKGR, many Basarwa are unable to access medical facilities due to their remote locations and the lack of transportation infrastructure. Studies have shown that the Basarwa experience higher rates of malnutrition, tuberculosis, and other preventable diseases compared to the general population (Lee, 2003). Moreover, the government's Remote Area Development Programme (RADP), while intended to improve living conditions, often fails to align with the traditional practices and needs of the Basarwa, thereby exacerbating their social exclusion (Garner, 2009).

The inadequacy of social services is equally troubling. For example, educational facilities in Basarwa communities are often under-resourced and poorly staffed, leading to lower literacy rates and limited educational attainment among Basarwa children (Suping, 2021). This lack of education perpetuates the cycle of poverty and marginalisation. Additionally, social support services such as housing and social welfare programs are frequently inaccessible, leaving many Basarwa without adequate shelter or financial assistance.

5.2.2. National Development Priorities

Botswana's focus on rapid economic development and resource extraction often conflicts with the rights and needs of the Basarwa. National development projects frequently take precedence over indigenous land claims, leading to numerous challenges for the Basarwa community. For instance, the Remote Area Development Programme (RADP) aimed to integrate marginalised communities, including the Basarwa, into the broader economy. However, infrastructural developments under this program, such as water boreholes and housing projects, often did not align with Basarwa preferences or traditional land use practices. This mismatch not only failed to improve their living conditions but also disrupted their social fabric and environmental sustainability practices (Garner, 2009).

Additionally, large-scale resource extraction projects, such as diamond mining in the Central Kalahari Game Reserve (CKGR), have led to the displacement of Basarwa communities. The government's prioritisation of economic benefits from these projects has frequently overlooked the Basarwa people's ancestral claims and their sustainable living practices. Despite constitutional provisions for land use rights, the enforcement of these rights has been inconsistent, leading to further marginalisation of the Basarwa (Suping 45).

The Basarwa's struggle for land rights highlights the broader issue of indigenous rights in Botswana. Legal frameworks intended to protect these rights often fall short in the face of national development agendas. For example, the eviction of Basarwa from CKGR in the early 2000s, justified by the government on the grounds of wildlife conservation and economic development, starkly illustrates the conflict between national development priorities and the rights of indigenous peoples (Guenther 92).

5.2.3. Environmental Degradation

Environmental degradation poses a significant threat to the Basarwa communities, whose traditional lifestyle is intricately connected to their natural environment. Various factors, including climate change, overgrazing, mining, and tourism development, have led to the degradation of the ecosystems that the Basarwa depend on for their subsistence and cultural practices (Hitchcock & Biesele, 2000).

5.2.3.1. Climate Change

Climate change has had profound effects on the Kalahari region, leading to increased temperatures, altered rainfall patterns, and prolonged droughts. Studies indicate that average temperatures in the region have risen by approximately 1.5 to 2 degrees Celsius over the past century, with more frequent and severe heatwaves (UNFCCC, 2017). These changes have severely impacted the availability of water and the health of plant and animal populations, which are crucial for the Basarwa's hunting and gathering activities. Reduced access to traditional food sources has forced many Basarwa to rely more on government aid and less on their indigenous knowledge and practices (UNFCCC, 2017).

5.2.3.2. Mining Activities

Mining activities, particularly for diamonds, have had a significant environmental impact in regions inhabited by the Basarwa. The extraction processes lead to land degradation, water pollution, and the destruction of natural habitats. Additionally, mining operations often lead to the displacement of Basarwa communities, further severing their ties to the land and disrupting their traditional way of life (Saugestad, 2011).

5.2.3.3. Tourism Development

Tourism development, while economically beneficial for Botswana, has often been detrimental to the Basarwa's environment. The creation of wildlife reserves and tourist facilities has led to the restriction of access to traditional hunting and gathering areas. Furthermore, the increase in human activity associated with tourism can lead to environmental degradation through pollution and habitat disturbance (Hitchcock, 2012).

6. Conclusion

The journey towards Basarwa empowerment in Botswana is marked by both regression and advancement. While significant challenges remain, there have been notable achievements in recognizing and advancing their land rights. However, the empowerment of the Basarwa will take some time before it fully materialises. The difficulty in accessing comprehensive information about the Central Kalahari Game Reserve (CKGR) suggests that there is still much to be hidden and addressed. Continued efforts at legal reform, policy development, and international advocacy are crucial for ensuring the Basarwa can reclaim their rightful place in Botswana's socio-economic landscape. Only through transparency and sustained commitment can the Basarwa hope to overcome the systemic barriers that have long impeded their progress. The literature shows a complex contrast between historical injustices and contemporary policy challenges in the Basarwa people's struggle for land rights in Botswana. While government

initiatives like the RADP and affirmative action have brought some improvements, it is hard to say they have adequately addressed the fundamental issues of land dispossession and cultural erosion. Continued advocacy and legal reforms are important for advancing the Basarwa people's empowerment and securing their land rights.

7. Gallery



A combi by the tarred road in Dekar village highlights the community's reliance on public transport and infrastructure. This is part of government efforts to enhance the village for the Basarwa community.



A signage board for Kuru Art in Dekar highlights the importance of their work in preserving and promoting Basarwa culture through artistic expression and community empowerment.



Artworks at the Kuru Art Studio in Dekar beautifully capture the rich cultural heritage of the Basarwa, showcasing vibrant expressions of their traditions and stories.



A typical Basarwa dwelling made from iron sheets, highlights the challenges of living in non-conductive conditions that offer little protection from extreme weather.



A full council session held in May 2024 at the Ghanzi Community Hall, where local leaders gathered to discuss key issues and initiatives



Common structures in which the Basarwa reside, made from iron sheets, plastics, and cardboards, highlight the challenges of inadequate and non-conductive living conditions.



This house was built for the Basarwa by the Ghanzi District under the RADP, which appears to be overcrowded, highlighting the challenges of limited space and resources.

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