



TÉLÉCOPIE • FACSIMILE TRANSMISSION

DATE: 27 February 2013

À/TO: Permanent Mission of the Republic of Botswana to the United Nations Office and other international organizations in Geneva

FAX: 022 906 10 61

TEL:

DE/FROM: Karim Ghezraoui, Chief  
Groups and Accountability Section  
Special Procedures Branch  
Office of the High Commissioner for Human Rights

FAX: 022 917 90 06

TEL: 022 917 93 14

E-MAIL:

REF:

PAGES: 3 (Y COMPRIS CETTE PAGE/INCLUDING THIS PAGE)

COPIES:

OBJET/SUBJECT: **Letter from the Special Rapporteur on the rights of indigenous peoples, Mr. James Anaya**



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 93 14 • FAX: +41 22 917 9008 • E-MAIL: mcampbell@ohchr.org

**Mandate of the Special Rapporteur on the rights of indigenous peoples**

27 February 2013

Excellency,

I have the honour of addressing you in my capacity as Special Rapporteur on the rights of indigenous peoples in accordance with Human Rights Council resolution 15/14.

In this connection, I would like to thank you for your letter of 22 February 2013 acknowledging receipt of and providing preliminary comments concerning my letter of 12 February 2013 on the situation of the human rights of Basarwa and Bakgalagadi people in the Central Kalahari Game Reserve.

I would like to refer to the concern raised by your Excellency about my use of the term “indigenous peoples” in the context of Botswana and in relation to the situation of the Basarwa and Bakgalagadi specifically. Indeed, I do not disagree with your Excellency’s position that “all ethnic groups in Botswana are indigene to the country” (except for non-African immigrants) and I do not purport to make a determination that some groups in Botswana are “more indigenous” than others.

Rather, when I refer to certain ethnic groups in Botswana as indigenous peoples, I am simply doing so with the understanding that these groups are among the peoples indigenous to the country and that the issues faced by these particular groups, especially relevant to other segments of the population in Botswana, can be seen as similar to those of groups identified as indigenous worldwide. Accordingly, I consider that the situation of the Basarwa and Bakglalagadi addressed in my communication is within scope of my mandate as Special Rapporteur on the Rights of Indigenous Peoples and that application of the standards set forth in the United Nations Declaration on the Rights of Indigenous Peoples is appropriate in this context.

H.E. Mr. Mothusi B.R. Palai  
Ambassador, Permanent Representative  
Permanent Mission of the Republic of Botswana  
to the United Nations Office and other international organizations in Geneva

Fax: 022 906 10 61



In this regard, I would like to draw your Government's attention to my Report on the Situation of indigenous peoples in Botswana (A/HRC/15/37/Add.2), in which I noted:

"...[T]he Government takes the position, as reiterated to the Special Rapporteur, that all people of Botswana ... are indigenous to the country. However, the specific relevance of the Declaration [on the Rights of Indigenous Peoples], as evident by its terms, and of the various United Nations programmes and mechanisms concerning indigenous peoples, including the mandate of the Special Rapporteur, applies to those indigenous groups that are in non-dominant positions and that have suffered and continue to suffer threats to their distinct identities and basic human rights in ways not felt by dominant sectors of society. Hence, in the present report the Special Rapporteur focuses, in the light of the standards articulated in the Declaration, on the concerns of non-dominant indigenous groups of Botswana that share in these characteristics" (paragraph 15).

I hope that this helps clarify any concerns about my reference to the Basarwa and Bakgalagadi as indigenous peoples, and I look forward to your Government's substantive response to the communication. Thank you again for your willingness to engaging in a constructive dialogue on these issues.

Should you have any questions or require further information, please do not hesitate to get in contact with me or with Maia Campbell, who assists my mandate at the Office of the High Commissioner for Human Rights (mcampbell@ohchr.org).

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'James Anaya', written in a cursive style.

James Anaya  
Special Rapporteur on the rights of indigenous peoples