



**PERMANENT MISSION OF THE REPUBLIC OF BOTSWANA  
TO THE UNITED NATIONS**

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30 July 2013

**Excellency,**

I have the honour to refer to your Letter of 12 February 2013, regarding allegations on the situation of human rights of the Basarwa and the Bakgalagadi in the Central Kgalagadi Game Reserve (CKGR).

I wish to provide a response of the Government of Botswana to the allegations as follows:

1. From the outside we wish to state that the Government of Botswana has fully complied with the judgement in the Sesana case by allowing all those who had taken the government to court to return to the CKGR and took all the necessary measures to ensure that such return becomes a reality. However, since the judgement of the 13th December 2006 ruled that the termination on the 13th January 2002 by the Government of the provision of basic and essential services to the applicants in the CKGR was neither unlawful nor unconstitutional the Government is not obliged to restore the provision of such services to the applicants in the CKGR.

2. Following an appeal to the Court of Appeal on 27th January 2011, the Court on the 27th January 2011 ruled that the applicants in the CKGR have the right at their own expense to:

- a) Re-commission the borehole at Mothomelo in the CKGR formerly used to provide water to the residents of the Reserve, and to sink one more borehole at such site inside the Reserve;

**His Excellency Professor James Anaya  
Special Rapporteur on the Rights of Indigenous Peoples  
Office of the High Commissioner for Human Rights  
Geneva, Switzerland**

**OHCHR REGISTRY**

30 JUL. 2013

Recipients :.....SPD.....  
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