

CKGR Bushmen Water Case

Summary of the issues

For many years the borehole at Mothomelo was the only reliable source of water for the Bushman communities in the Central Kalahari Game Reserve (CKGR). When the Botswana government evicted the Bushmen from the Reserve in 2002 it removed the pump and capped the borehole in case they tried to go back. Despite a 2006 High Court order that the Bushmen have a constitutional right to do just that, the Government refuses to allow them to re-commission the borehole - even at their own expense. The Bushmen have now asked the Court to try to overturn this decision.

The Government admits that it has kept the borehole closed because it does not want any Bushmen to live in the Reserve. It says that this might 'endanger the life of wild animals'. If as a result the many Bushmen who returned to their homes in the wake of the Court ruling suffer acutely from a shortage of water, the government maintains they have only themselves to blame - because 'they have chosen to stay in a place where there is no water.'

The Bushmen say this is nonsense: there is plenty of water at Mothomelo - it's just that they need the borehole to get at it. They point out that they are merely trying to exercise their lawful rights, and that the Government seems determined not only to flout the order of the Court but to deny them their human right to water. They believe that without the borehole the lives of the young, the elderly and infirm are especially at risk.

The US Department of State is one of many international observers who have been critical of the Government's approach. Another is the UN Special Rapporteur on Indigenous Peoples, who recently reported to the UN Human Rights Council that the Government's denial of services to the Bushman communities in the Reserve 'does not appear to be in keeping with the spirit and underlying logic of the 2006 decision, nor with the relevant international human rights standards ... Indigenous people who have remained or returned to the reserve face harsh and dangerous conditions due to a lack of access to water, a situation that could be easily remedied by reactivating the boreholes in the reserve. The Government should reactive the boreholes or otherwise secure access to water for inhabitants of the reserve as a matter of urgent priority.'

We should know within the next few weeks whether the Botswana High Court shares this view, and is prepared once again come to the aid of the country's most vulnerable communities in their struggle against an apparently intransigent Government.

